TECHE UDINE

MANOSCRITTI

FONDO PRINCIPALE

Manoscritto n. P_MSS_1092

Nel Fondo Principale sono confluiti la maggior parte dei lasciti manoscritti pervenuti alla Biblioteca Civica «Vincenzo Joppi» nel corso del tempo: si tratta perciò di un fondo composito nel quale è possibile trovare manoscritti di argomento liturgico, scientifico, giuridico, botanico e altro.

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92

In Institutiones Iust. Imp.

I

Facilis Explicatio

VINCENTII DE TREIS NOB. UTIN.

Quoniam ubi Xpus non est fundamentum, ibi nullum boni operis fieri potest aedificium cap. cum Paulus 1.q.1. ideo ipsius no[min]e, ac numine inuocato Inst. Iust. Imp. explicandas assumo, et ad moliendas difficultates, ac ut Iuuenes ad ipsas planiori uia perducantur. Quia quaedam monitio, ac munitio praecedit. Videndum igitur est quid sint Inst. et unde dictae, quae sit ipsarum diuisio, quae obiecta, et quis Auctor.

Quoad primum Inst. sunt totius iuris ciuilis erudita, et compendiosa Methodus, in ipsis n. breuitate, et eleganti comprehensum est totum fere quicquid in uniuerso corpore iuris habetur. Dictae sunt autem Inst. ab instituendo, quia rudem, et infirmum studiosi animum, leui, et simplici uia instituerunt, ut facilius postea ad grauiora aspirare, et ratione uasto, ac prolifico Iuris Oceano tuto committere possit.

Ati: diuisio Quoad secundum diuiduntur istitutiones in 4. lib. I: in tit: uel rubr: n.° 99. Primus liber habet titulos 26: secundus 25: tertius XXX. quartus, et ultimus XVIII, qui omnes simul collati, et additi proemio centenarium numerum constituunt.

Tit: diuisio Tit: uero diuiduntur in §: est autem tit: Quid Tit: rei subiectae index. Exemplum sit infra de iust.ª et iure, ille titulus dicitur, subiectam enim materiam indicat, ut ostendit ibi de Iust.ª et iure tractari. Hi tituli Cur tituli aliquando Rub: appellantur ob id forsan, quod tituli rubro [illegible] scribebantur colore; dictus est autem titulus à tuendo Tit: unde i. indicando, et quod tuetur et indicat id cui supponitur.

§ quid § uero est quicquid sub una sententia clauditur, hoc est periodus siue ambitus uerborum, certaque sententiae comprehensio, idemque est ac textus in logica, et Philo: sicut et tituli legales idem sunt, ac capita Philo: et dicitur § à para § unde uerbo Graeco, quod est diuisio, et graphos quod est diuisio

scriptura, ut sit §: divisionem scripturae signum, ut tradit Archi: in cap: licet quaedam generis: i: dist: et Sicardi in §: sed istae; n.: 2.o infra de actionibus; §: autem sic inscribi solet, ut sit quaedam linea clausa, seu figura ad separandum materias, a materia.

Sciendum autem est notulam, seu figuram istam, quae §: signatur non a Iust: sed ab Interpretibus esse inventam, et si quaerat aliquis, cur §: ita notetur; Respondeo de hoc nullam extare, nec verisimilem rationem reddi posse. Haec n. magistralia sunt, de quibus disputare relinquimus pertinacibus, iuxta Iulium ad Herennium, ut refert Glossa in Rubr: ff soluto matrimonio

A quibus fuerit inventa notula illa §:

Obiectum autem Institutionum triplex est. Persona, res, et Actio omne n. ius, quo utimur, vel ad personas pertinet, quibus ius reddit, vel ad res de quibus reddit, vel ad actiones per quas reddit §: fi: infra de Iure nat: Gentium, et Civili

Quod triplex sit obiectum

De Personis agit in hoc primo lib: de rebus in 2.o et 3.o: in 4.o autem, et ultimo de actionibus

Iuris fuerit Iusti: auctor Demum auctor Institutionum est Iusti: Imp: qui animaduer:

tens legum uolumina prolixa esse, ob difficultatem compo:

nere ontrata, ac multitudine, et uarietate rerum tantaque

difficultate iuuenum ingenia in ipsius studij limine obruerent,

iussit Triboniano, Theophilo, et Dorotheo uiris Ill.mis

et antecessoribus ut Institutiones componerent in eisque

breuiter, et facile ea traderent, quae ad uniuersalem iuris

eruditionem pertinerent, a quibus legum cupidi, non autem

ab antiquis fabulis eiusdem sapientiae aucuparent;

In Inscriptionem Proemij

His praemissis uidendum est ad inscriptionem proemij, tria

n[illegible] continet proemij inscriptio. Primo Inuocationem

diuini nominis; secundo nomina et tit. quos Iust:

a nationibus deuictis, et a rebus feliciter gestis sibi

usurpauit. Tertio nomen eorum quibus scribit, et istum

librum dedicat, unde in tres partes diuidi potest.

Secunda ibi Imp: 3.a Ubi cupida legum iuventuti

Ex hac tertia parte observant DD. Nostri, quod Iuris studiosus debet esse avidus, et cupidus huius studij; iura enim civilia vigilantibus scripta sunt leg: qui autem §. sciendum, et leg: pupillus in fine ff: quae in fraudem creditorum et sane ut in studijs quis foeliciter versetur necesse est, ut eo feratur cupide, et spontanee minervae suae instinctu; notum enim est dictum Hyperatis, si fueris discendi cupidus eris eruditus; cum contra verissimum esse constet, studia coacta non respondere.

Secundo observant, quod debet esse iuvenis; nam sicut annosam arborem transplantare inanis est labor, quinde sene vicinea capiti ita sentem librum iuvenis se dare disciplinae, ad certe non dicit, quam passim videtur ab eis, quippe qui apud Radamantum causas agere vulgo dicatur, et de Rep: Platonis solicitus, in regno

Proserpine Magistratus ambire

In Proemium

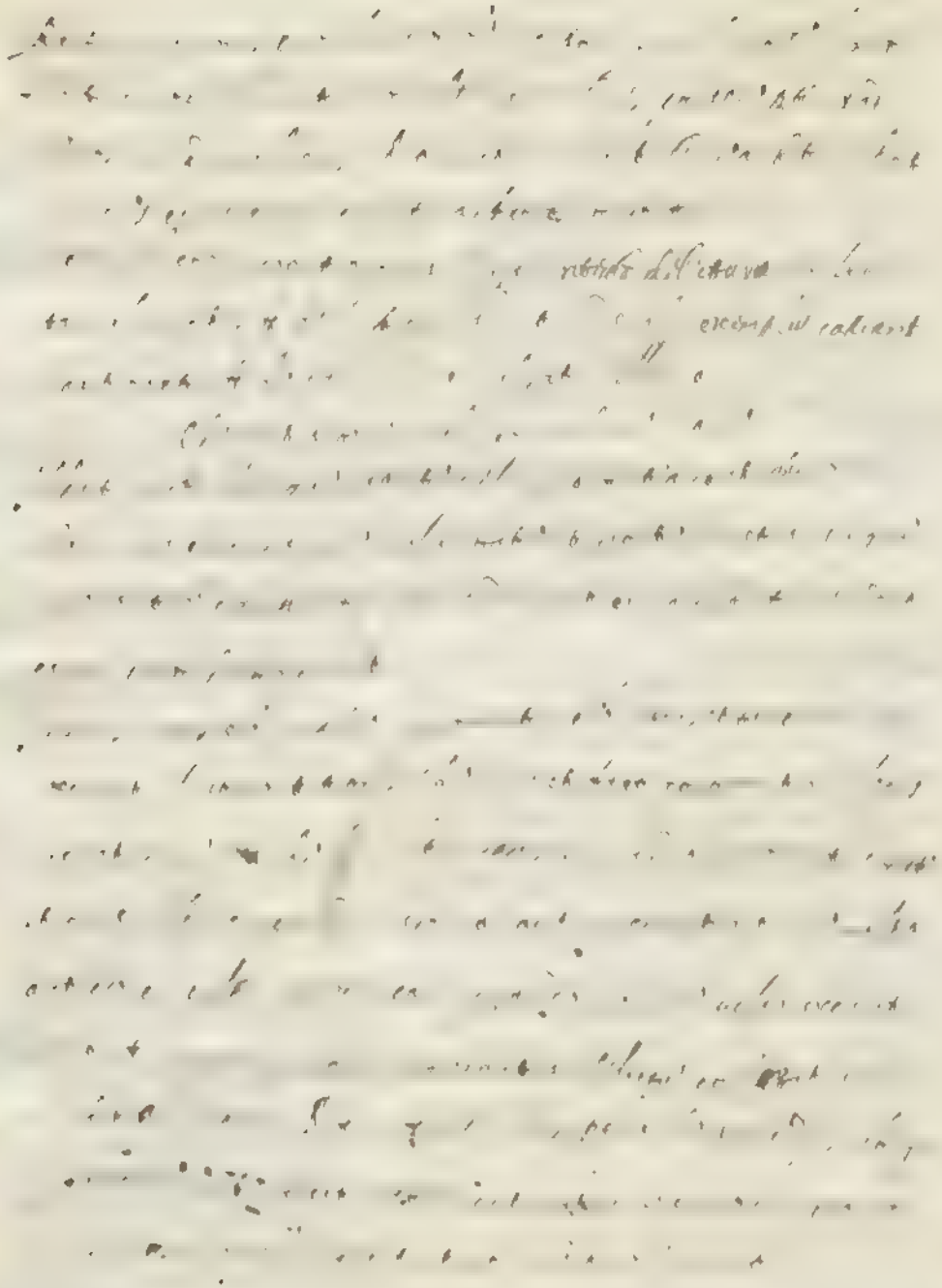
Dividit hoc proemium in tres partes, in prima ponit officium Imp: in 2.a ostendit qualiter Iust: hoc adimpleuerit, in 3.a iuventutem ad studium Iuris ortatur, ut excitat Secunda ibi quorum utramque viam Tertia ibi Summa itaque ope

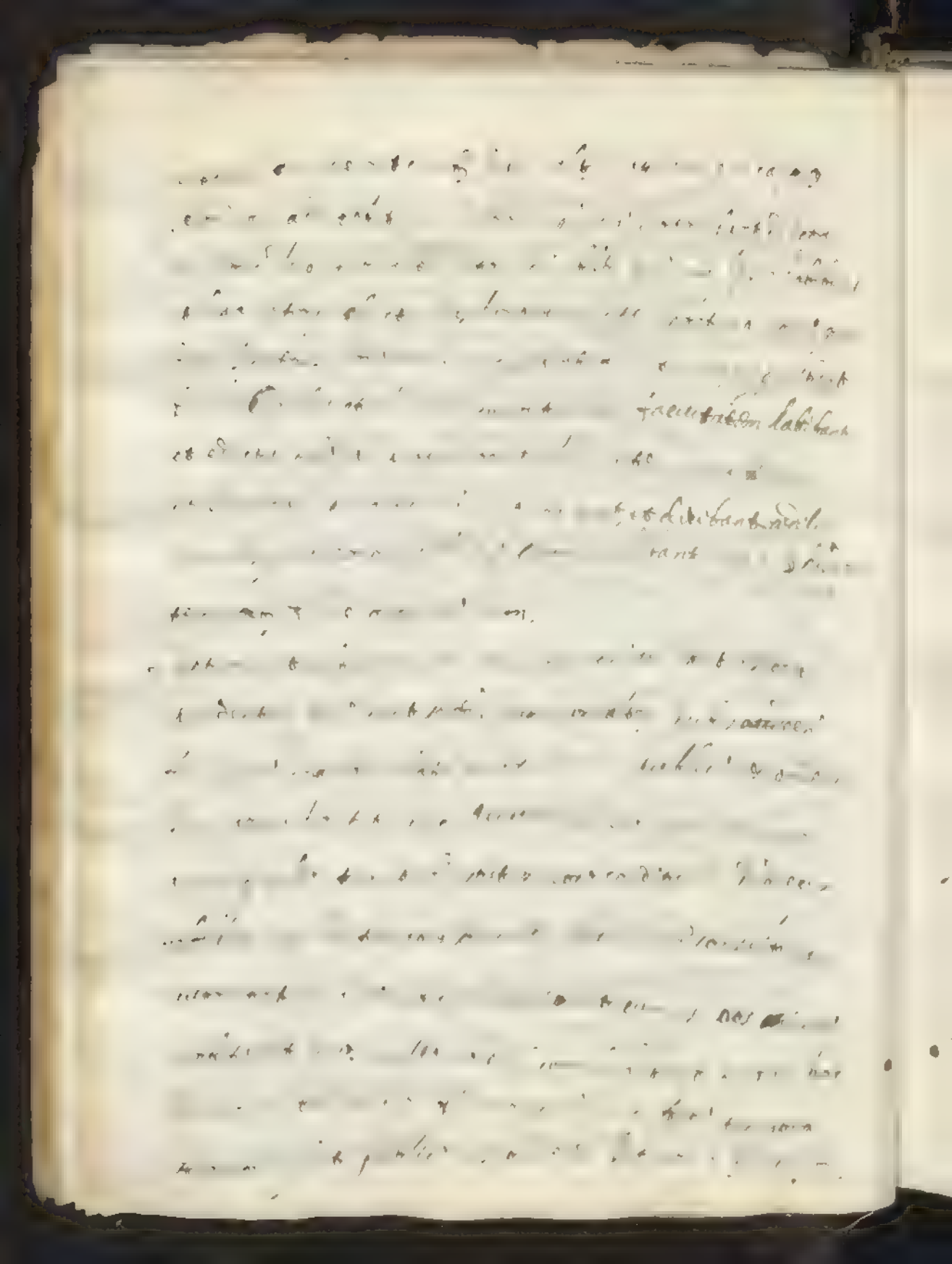
Proponit igitur in principio, uel initio optimum Principem debere tam armis decoratum, quam legibus esse armatum, cum n. duo sint tempora bellorum et pacis necesse est, eum in communi Reip: functione agere uellet utriusque temporis notitiam habere, ut tam tempore belli hostes uincere, quam tempore pacis delinquentes punire possit, et sic fiat tam religiosissimus, quam uictis hostibus triumphator magnificus

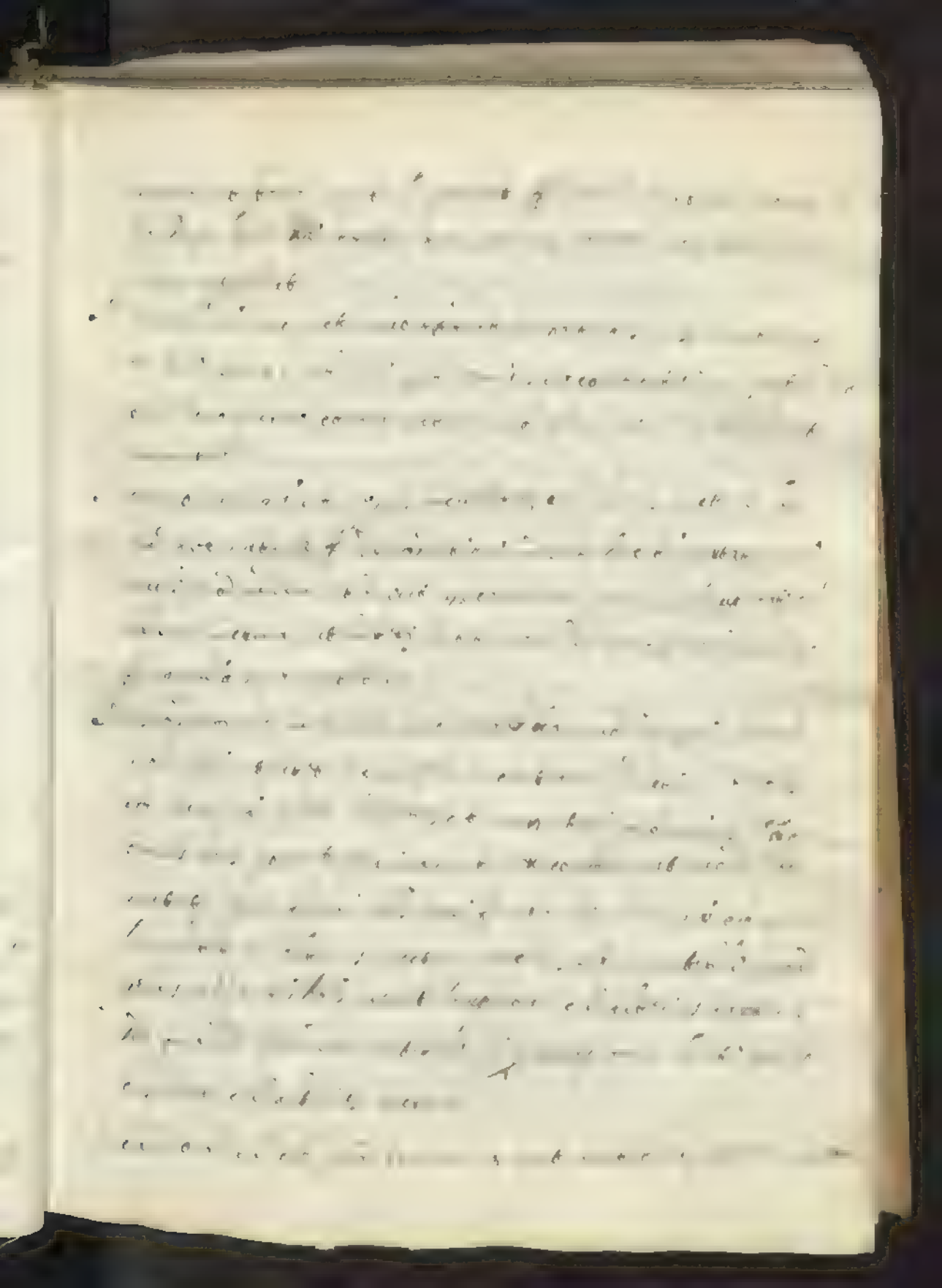
§ Quorum utramque Viam

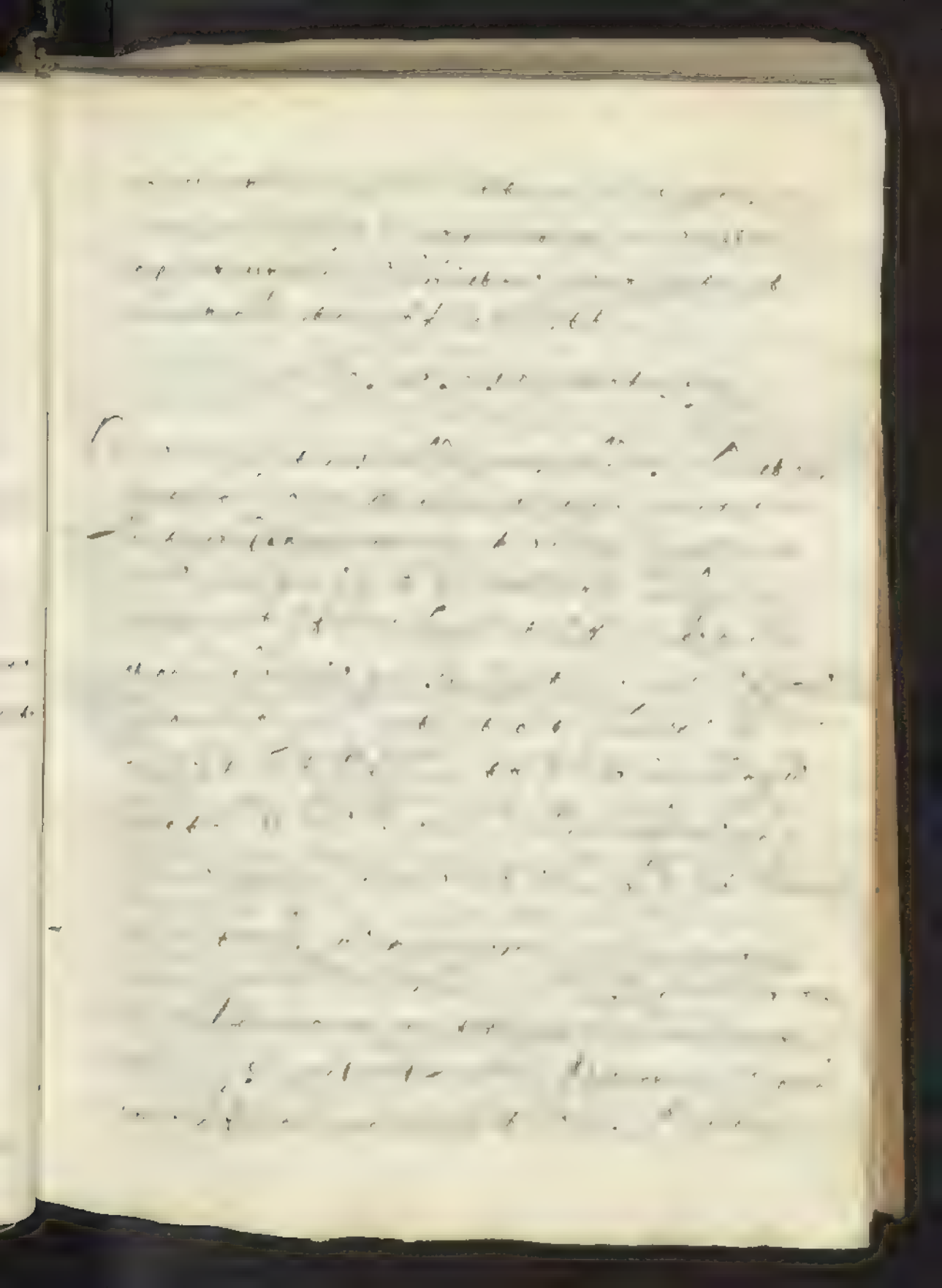
Horum utramque viam cum summo ... ostendit Imp: in hac 2.a

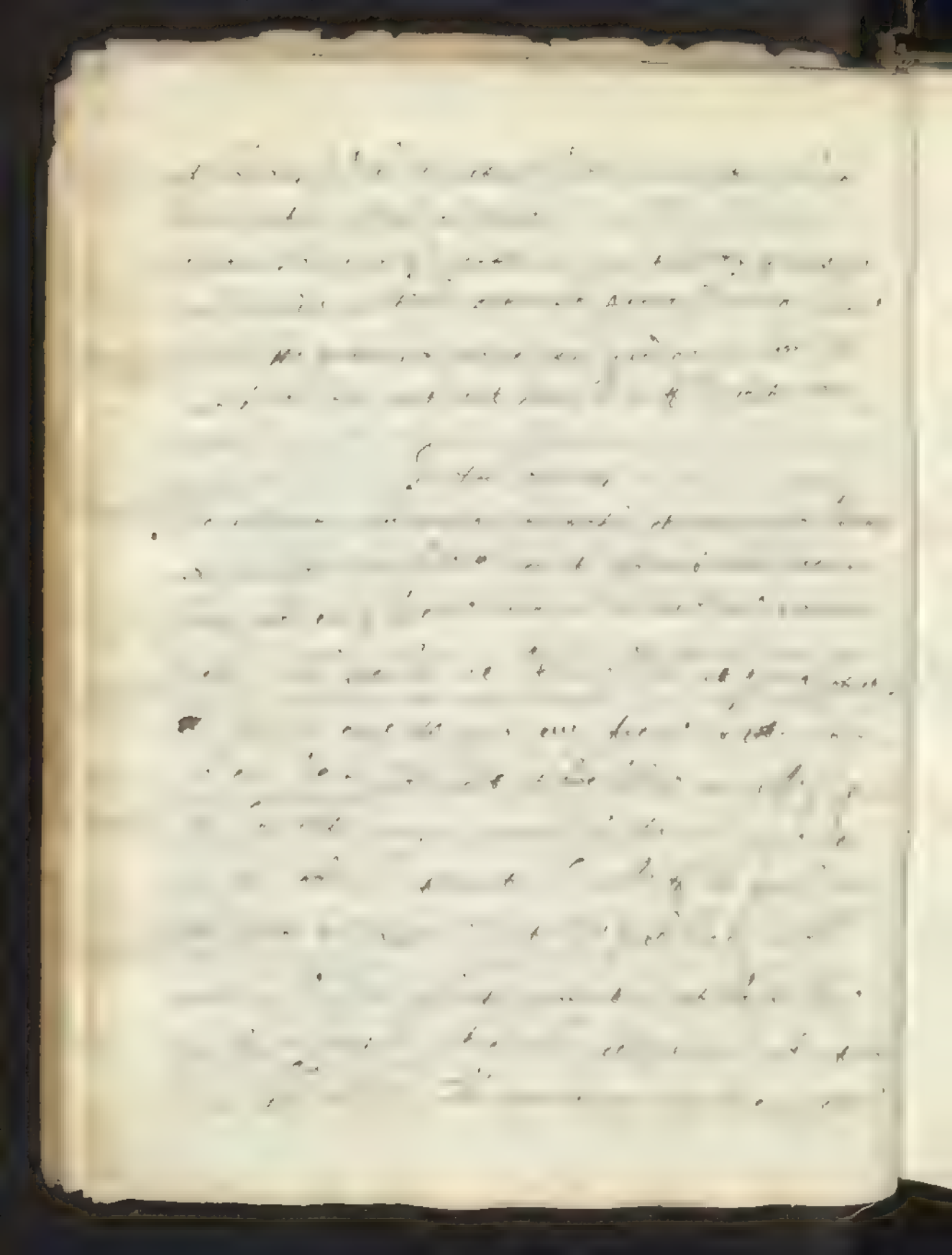
§ 1

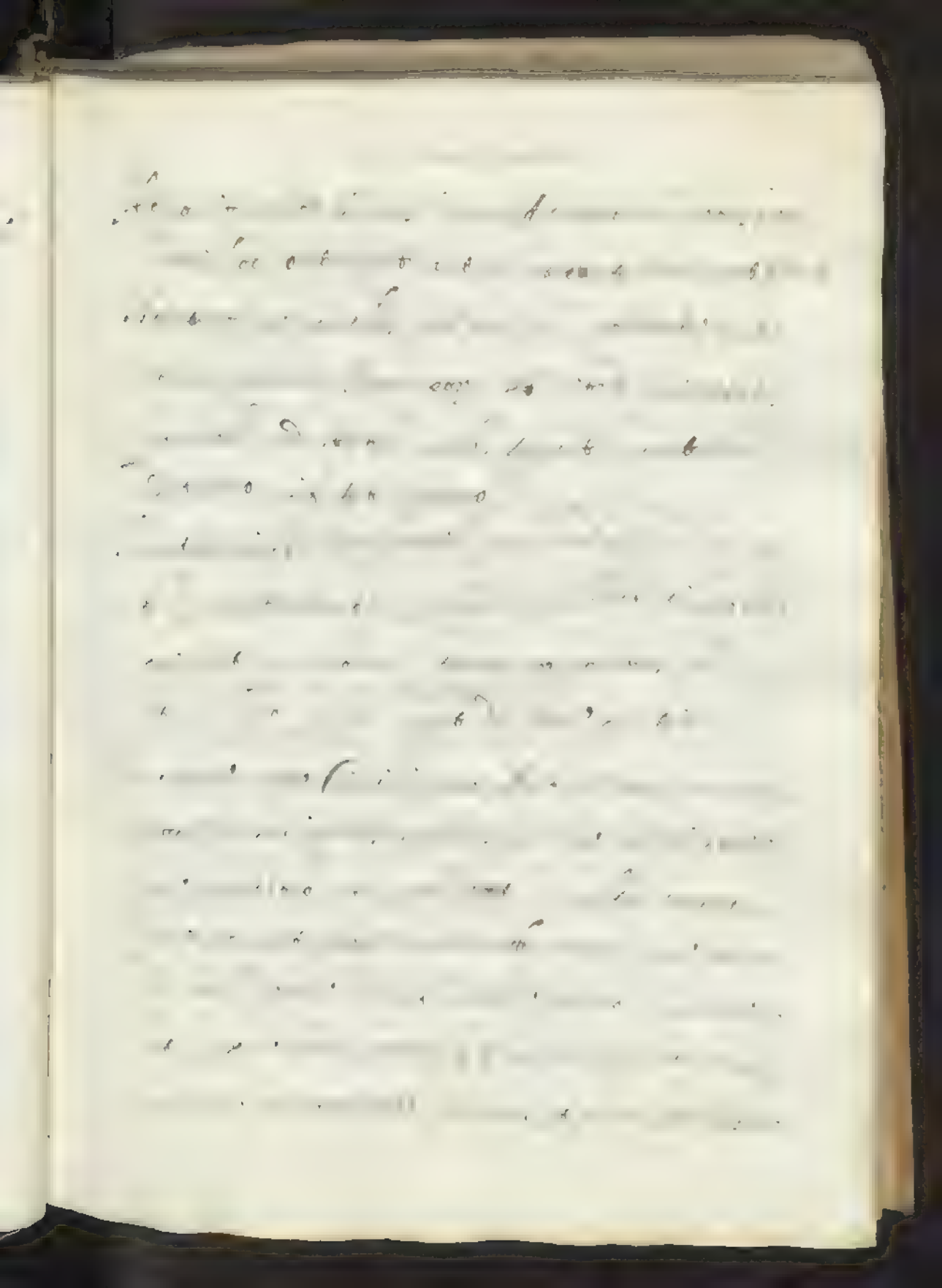


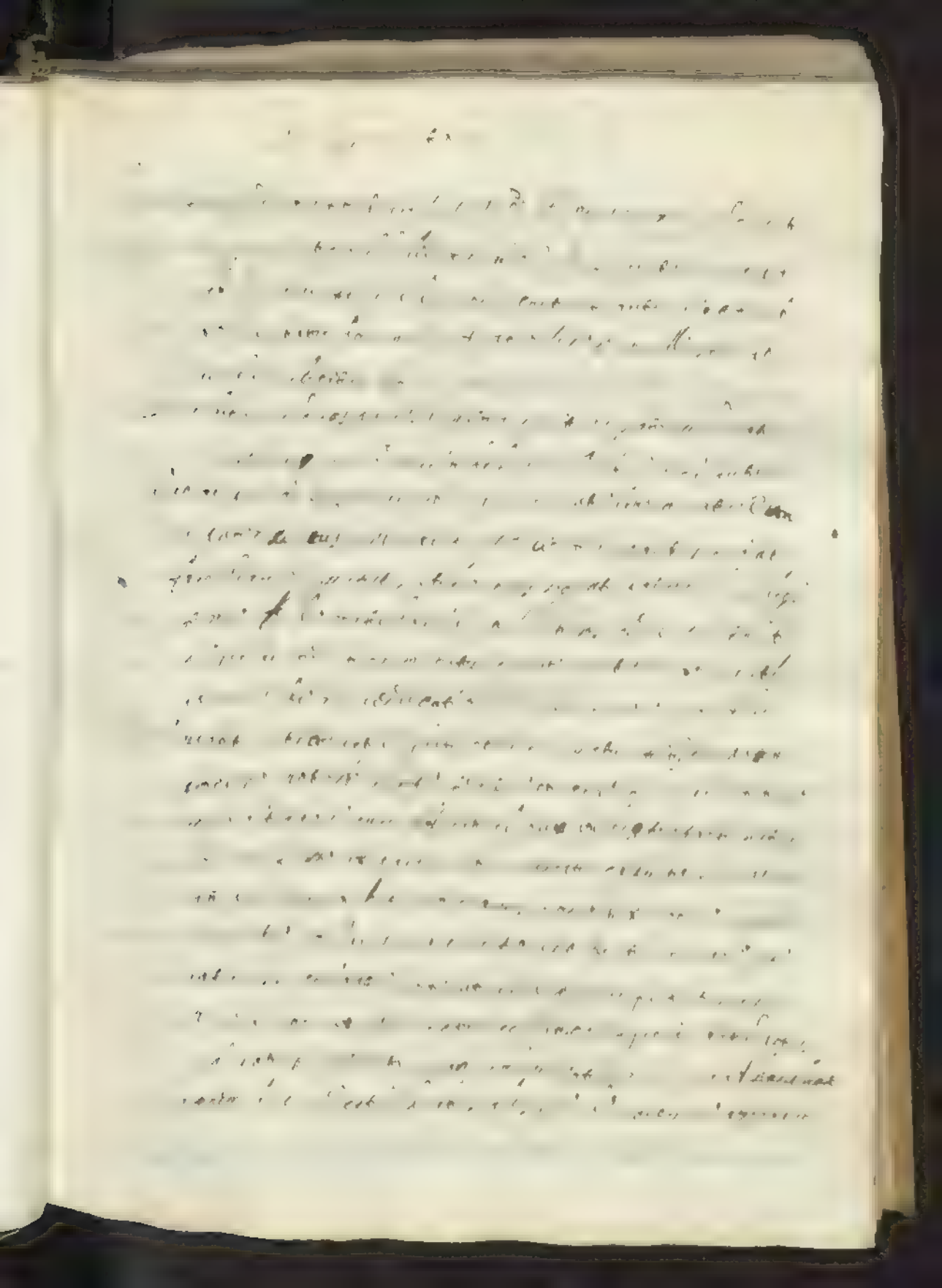


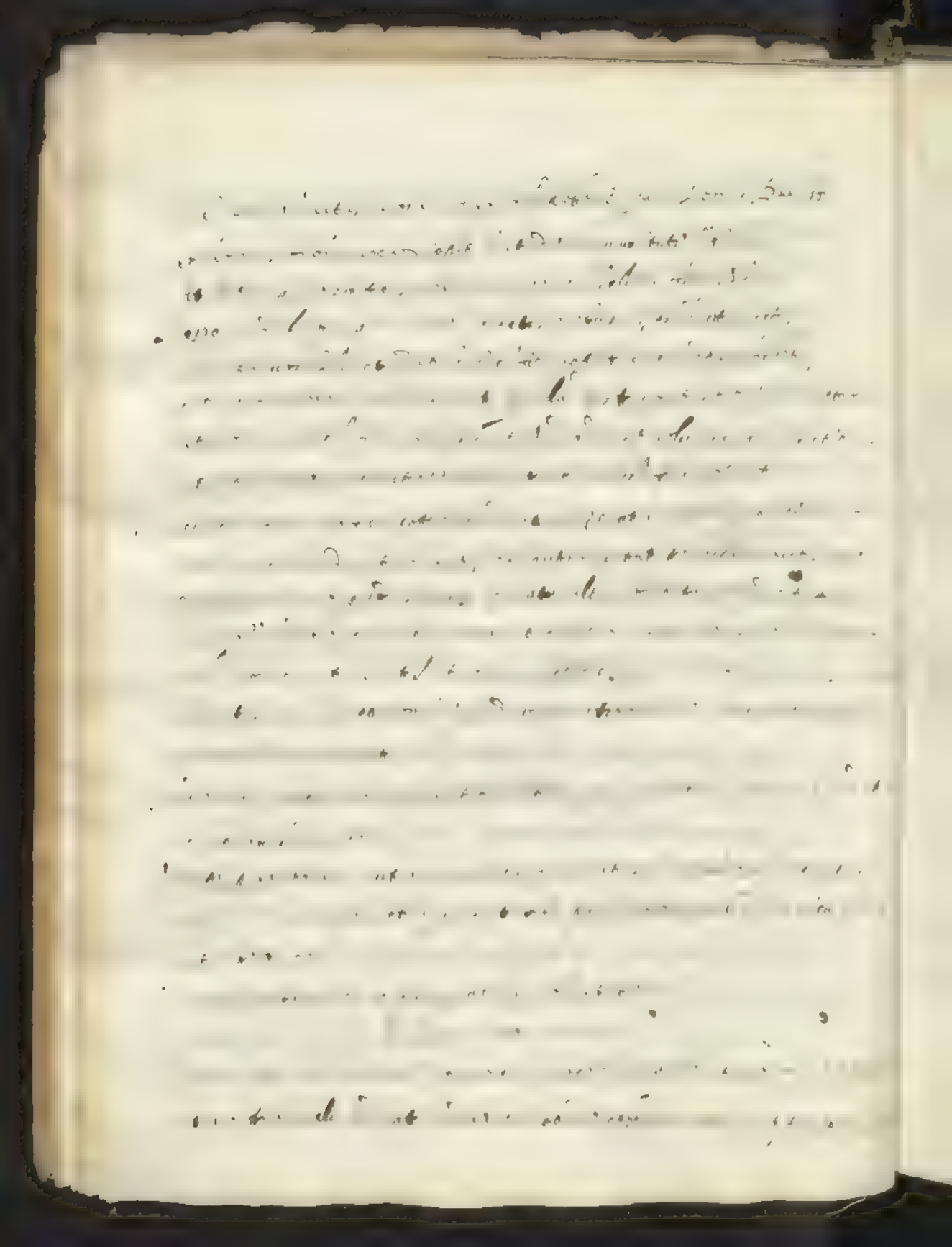


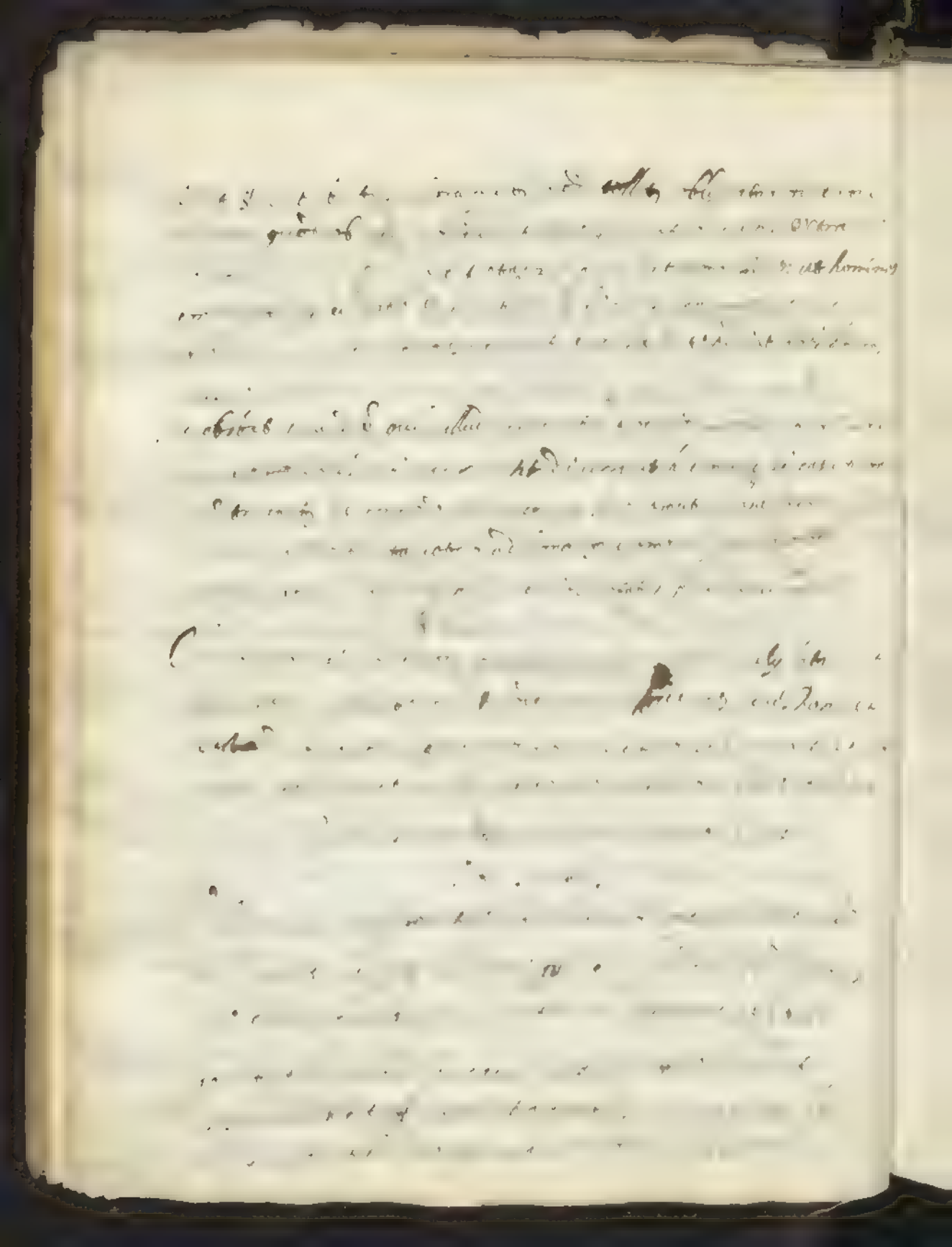


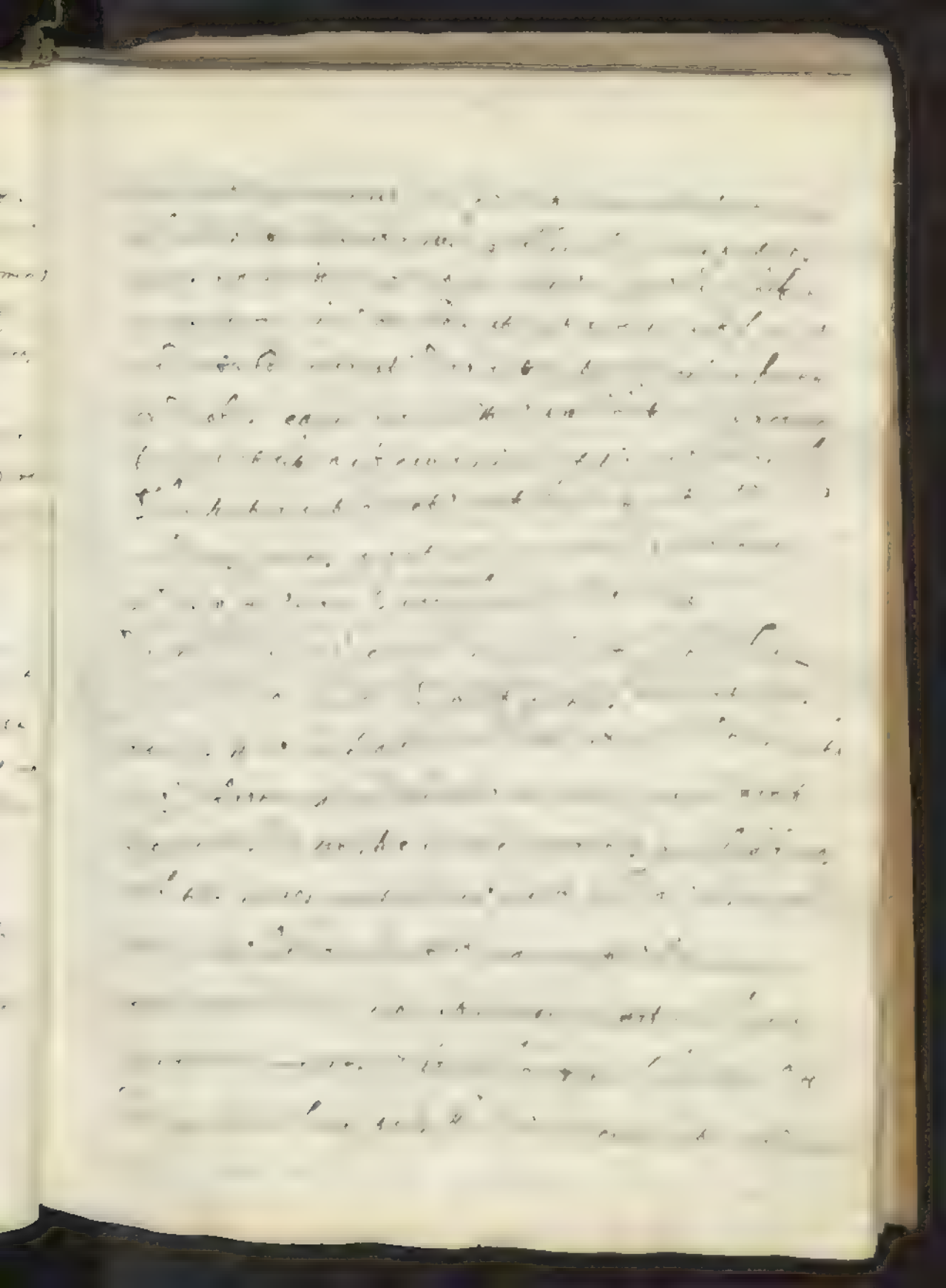


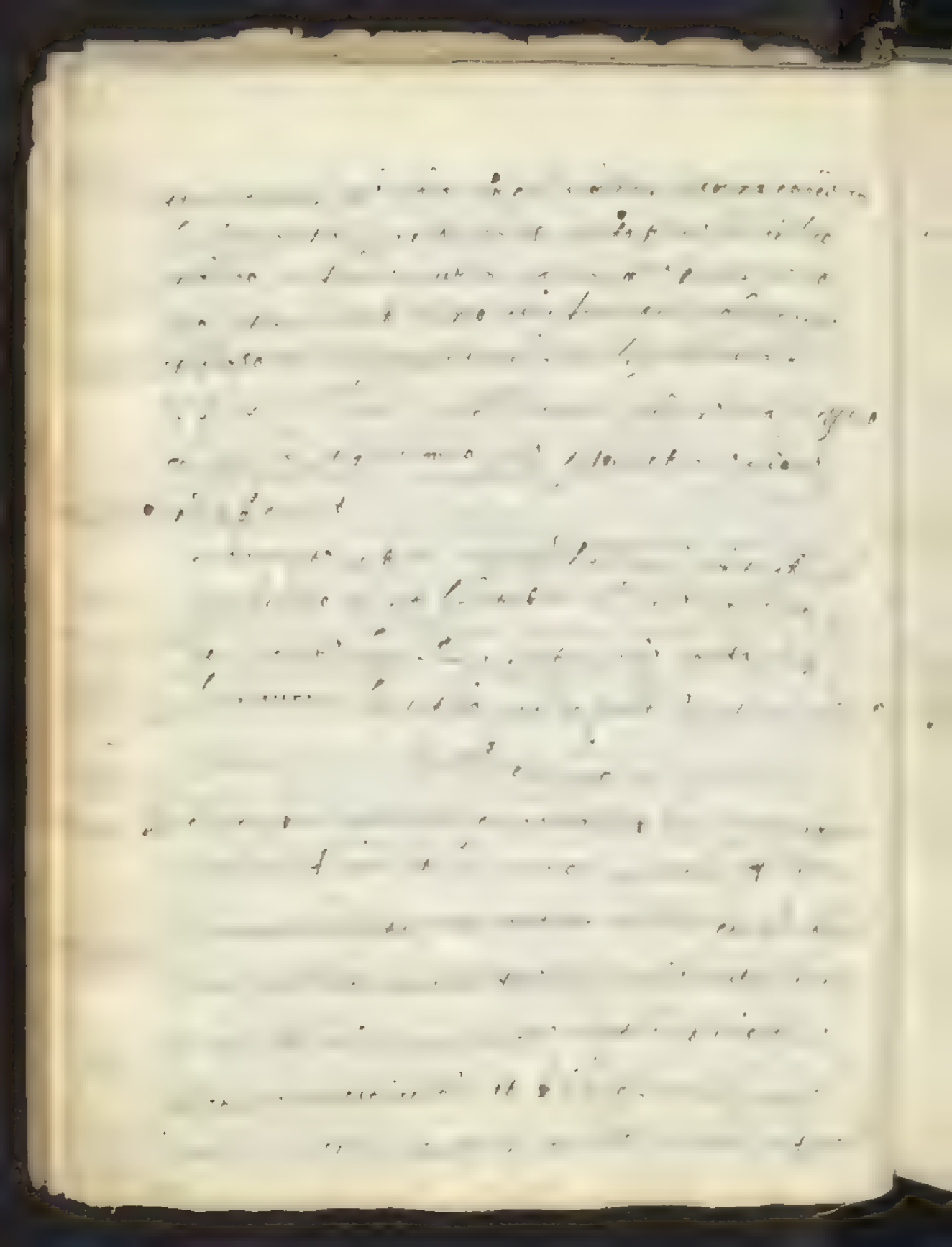


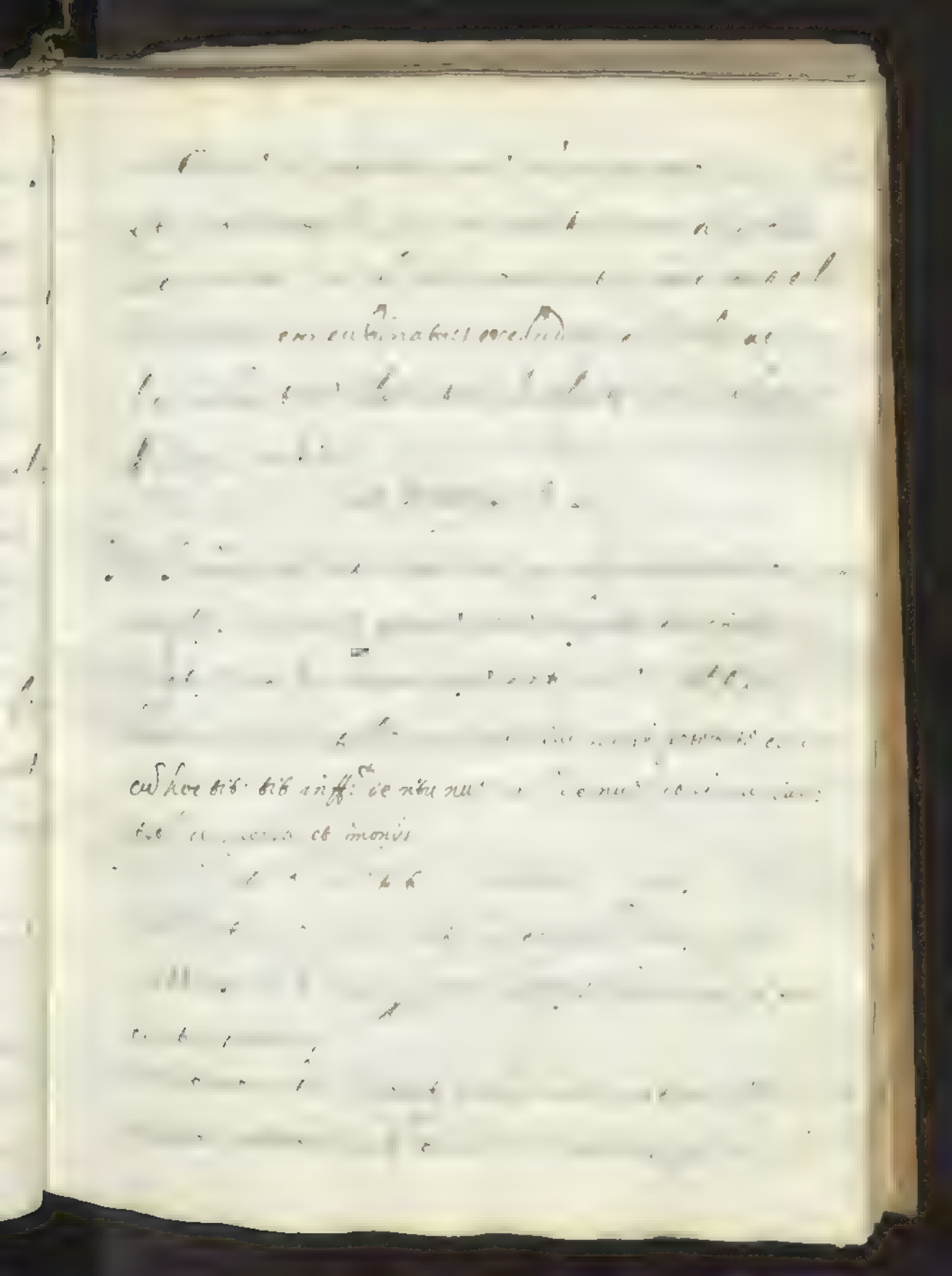












De Adoptionibus tit: xi.

De Nuptiis et Legitimatione, quae cum cau[illegible] [illegible]
[illegible] nunc de adoptionibus
[illegible]
[illegible] de adoptionibus [illegible] tit: dividit ut [illegible]
[illegible]

[illegible]
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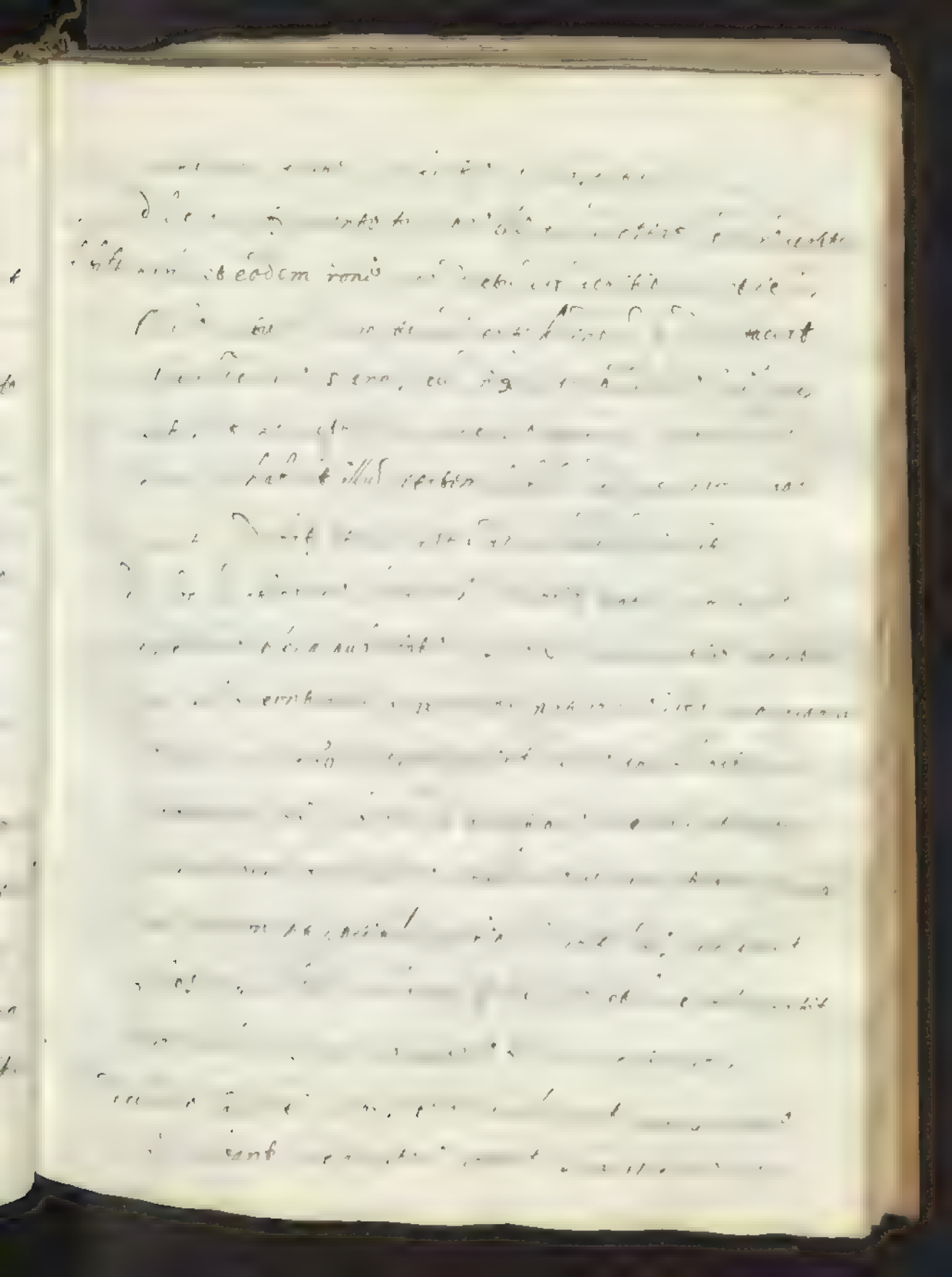

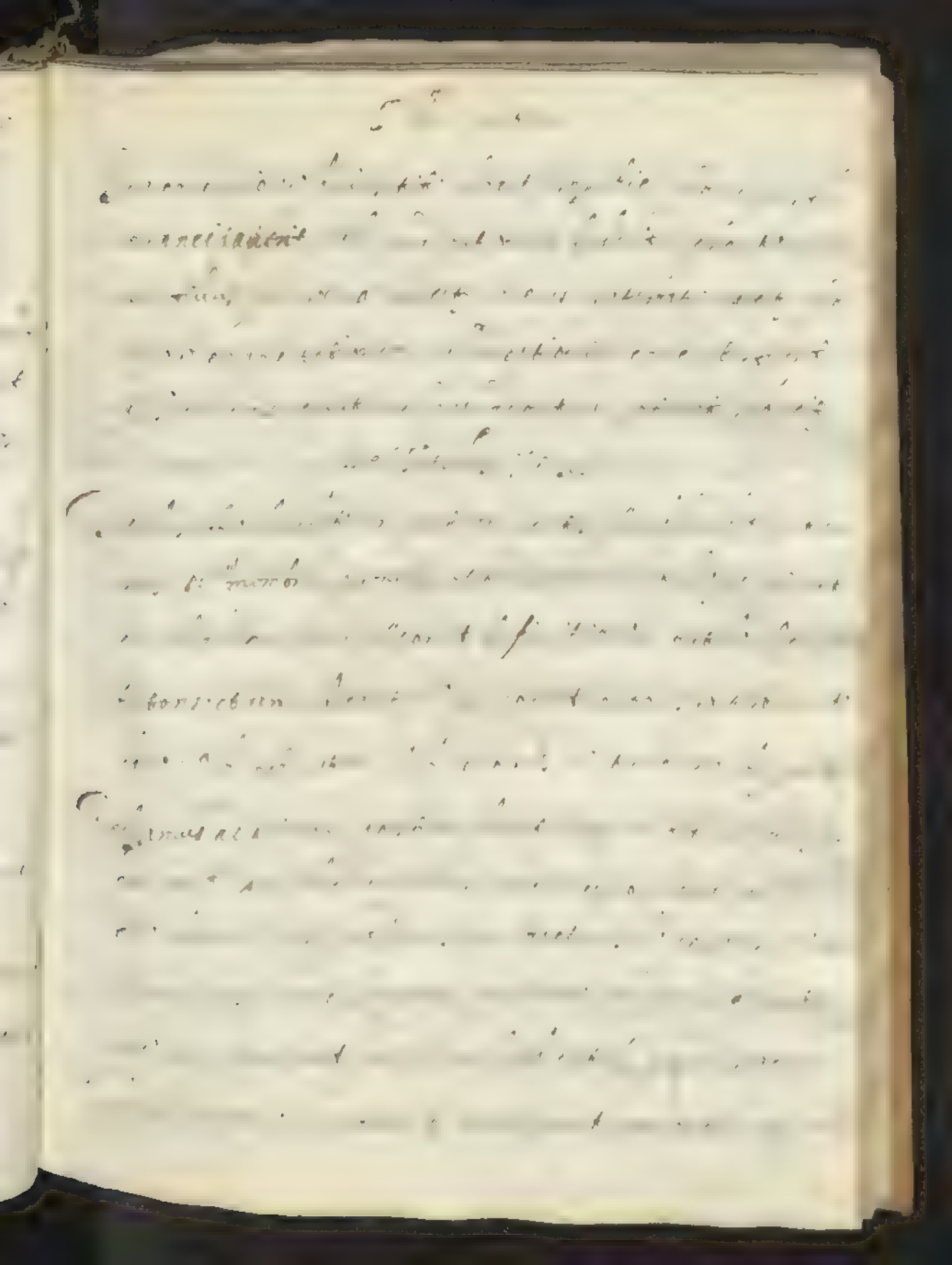

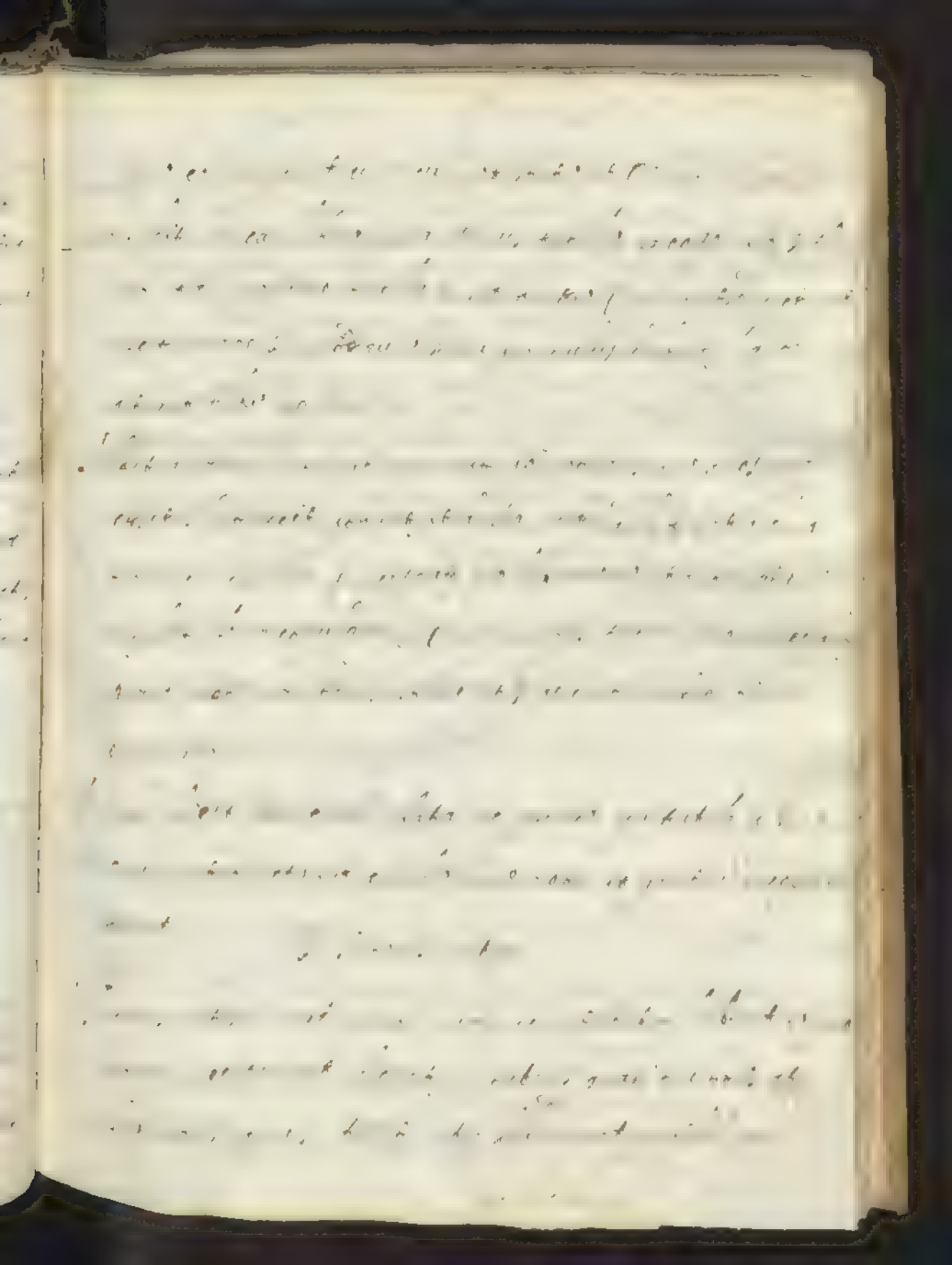

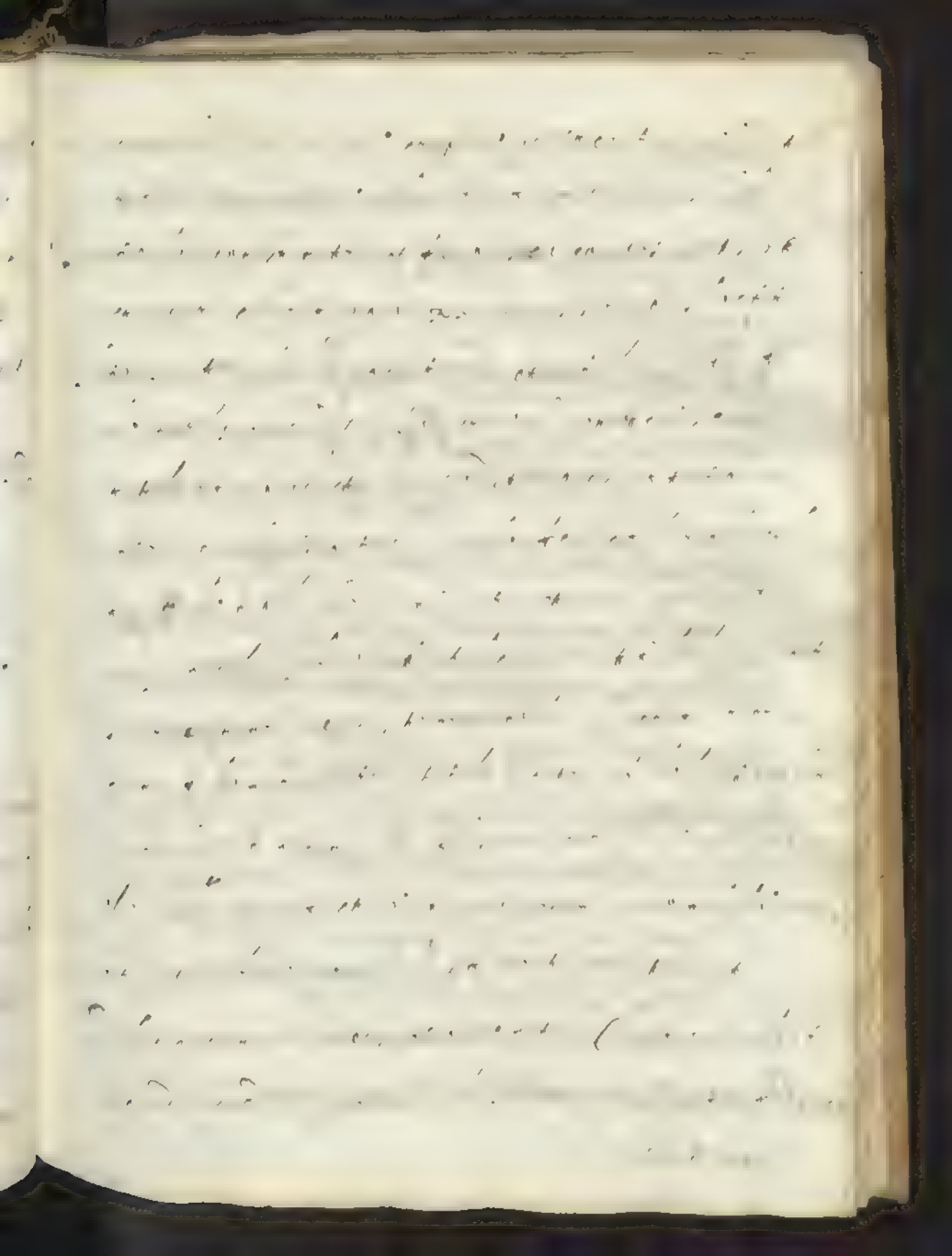

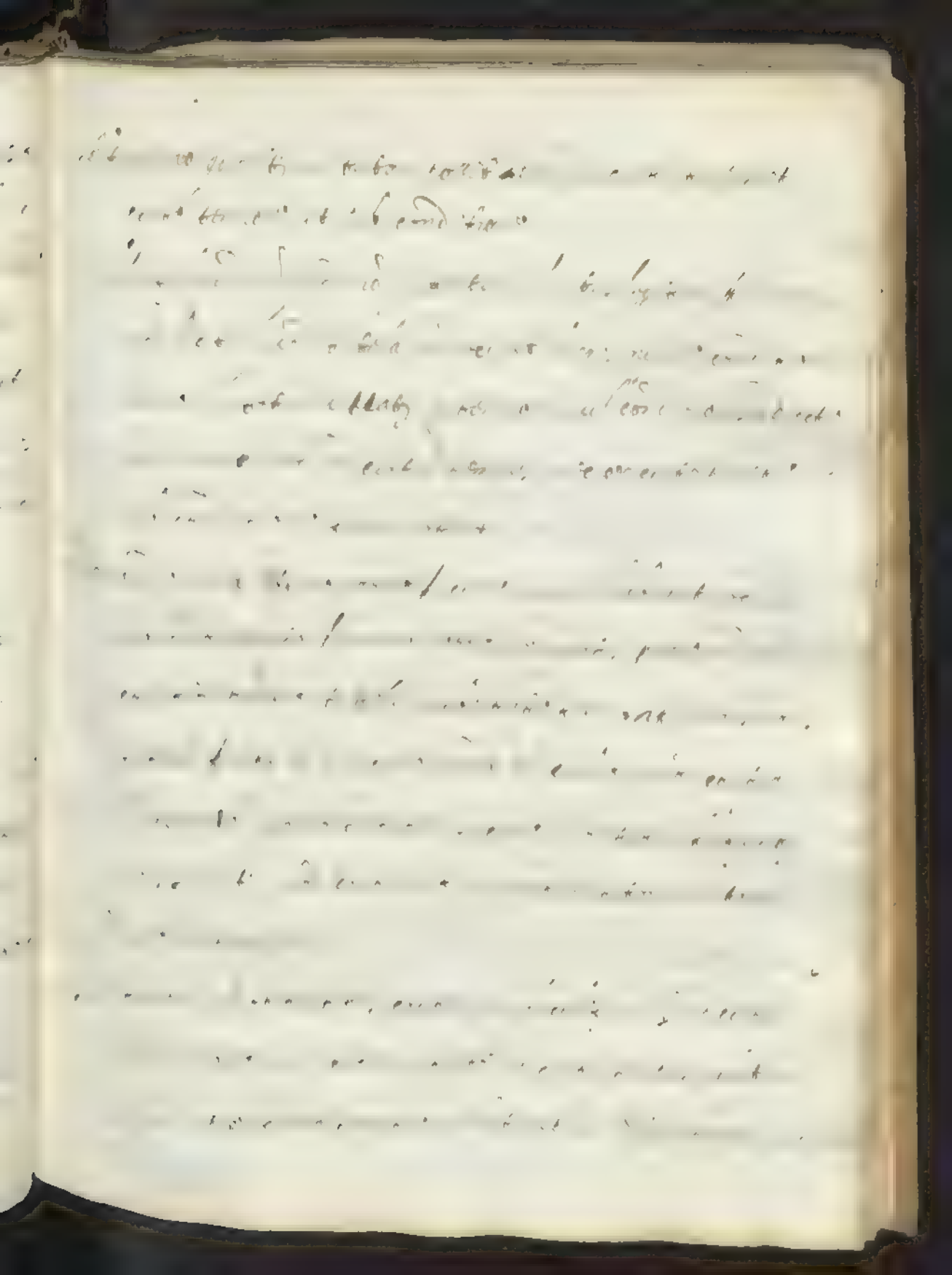

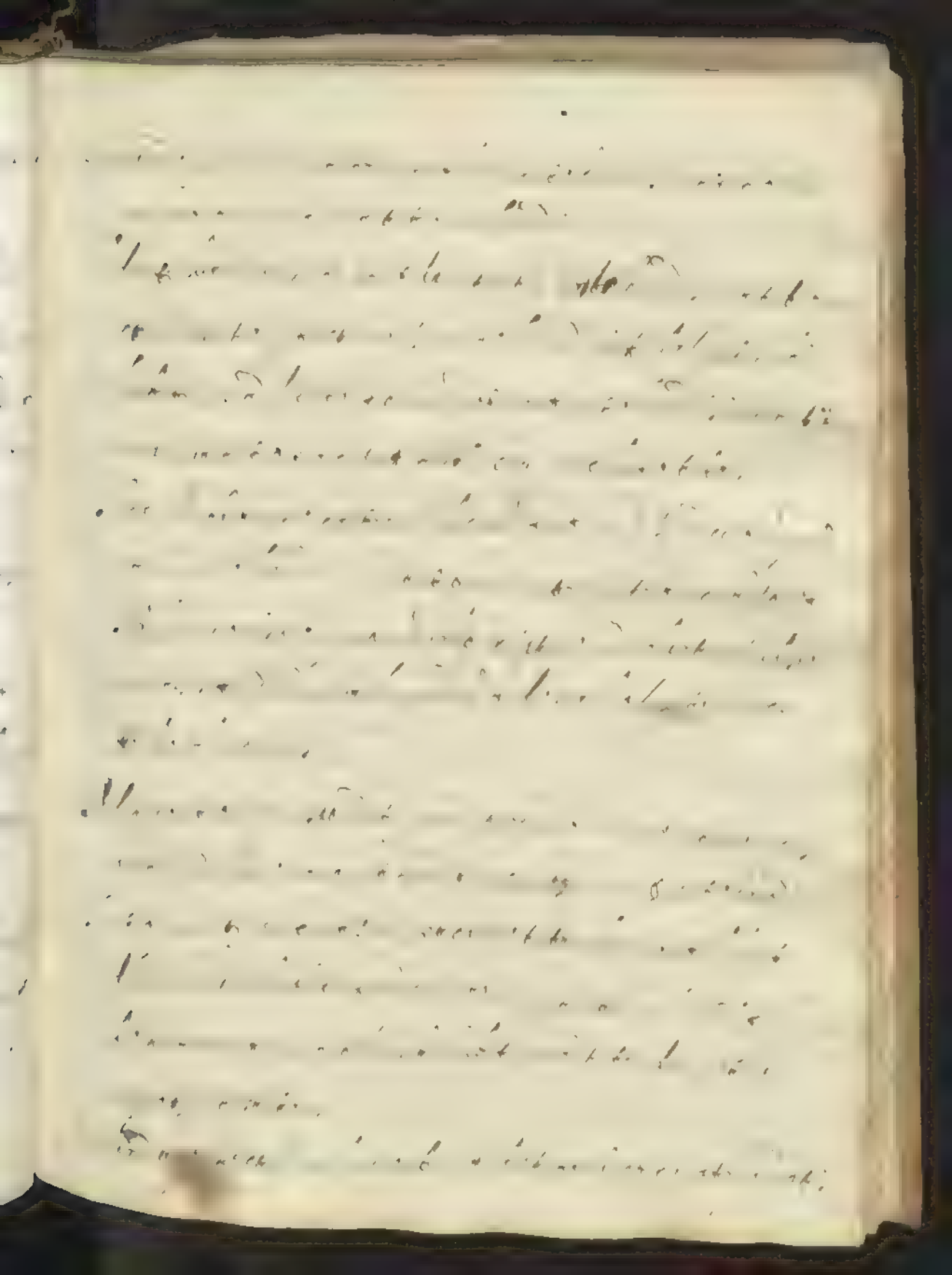

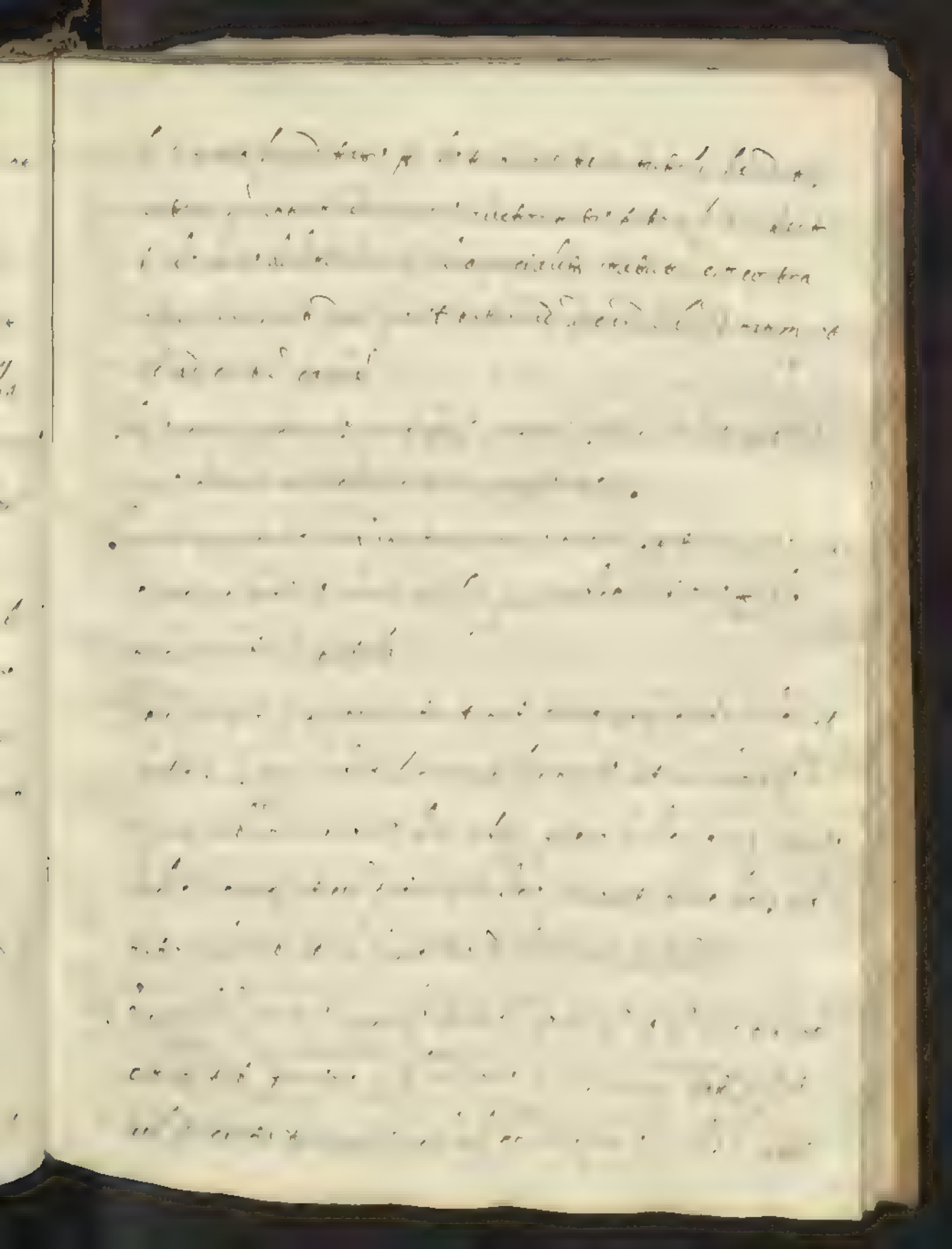

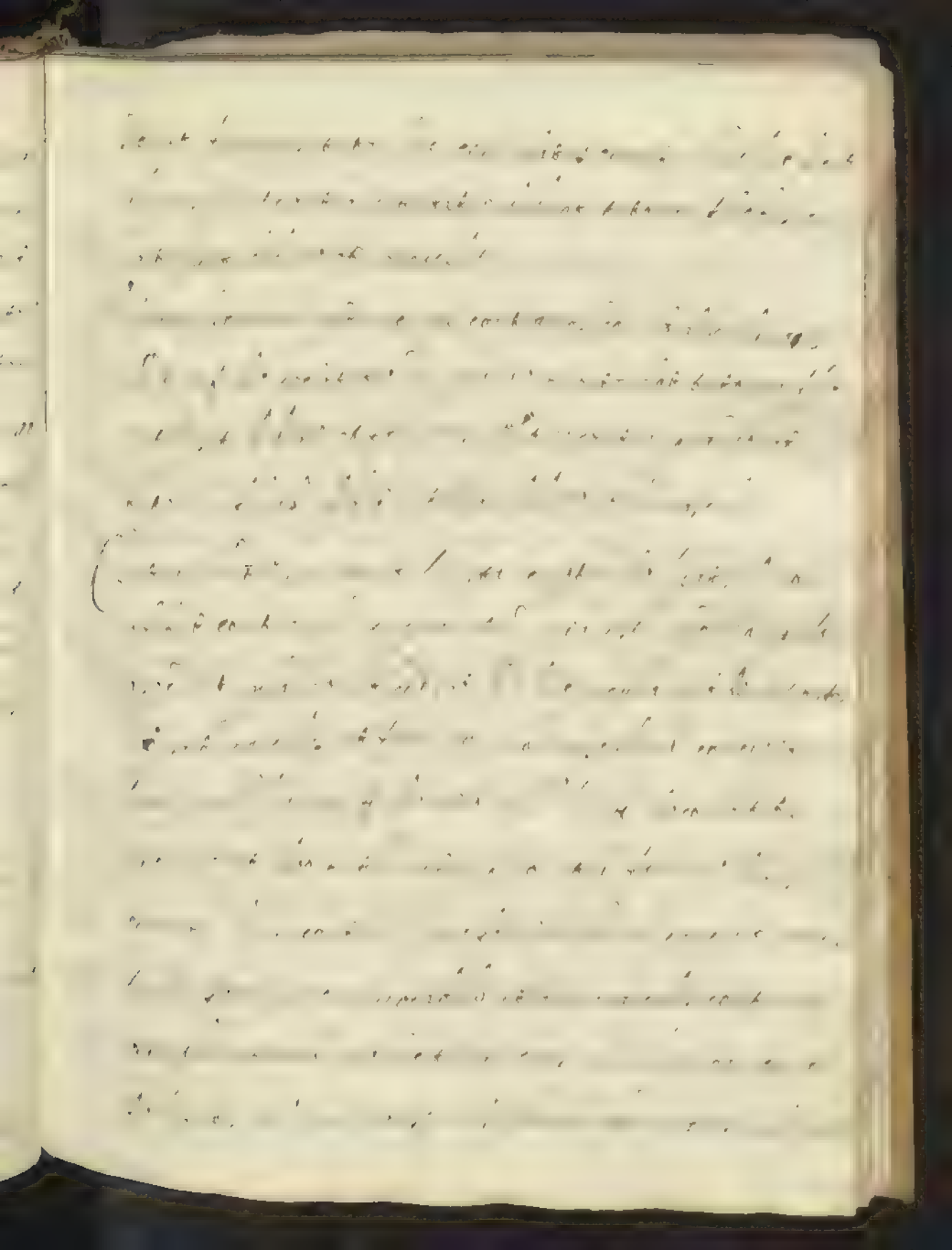

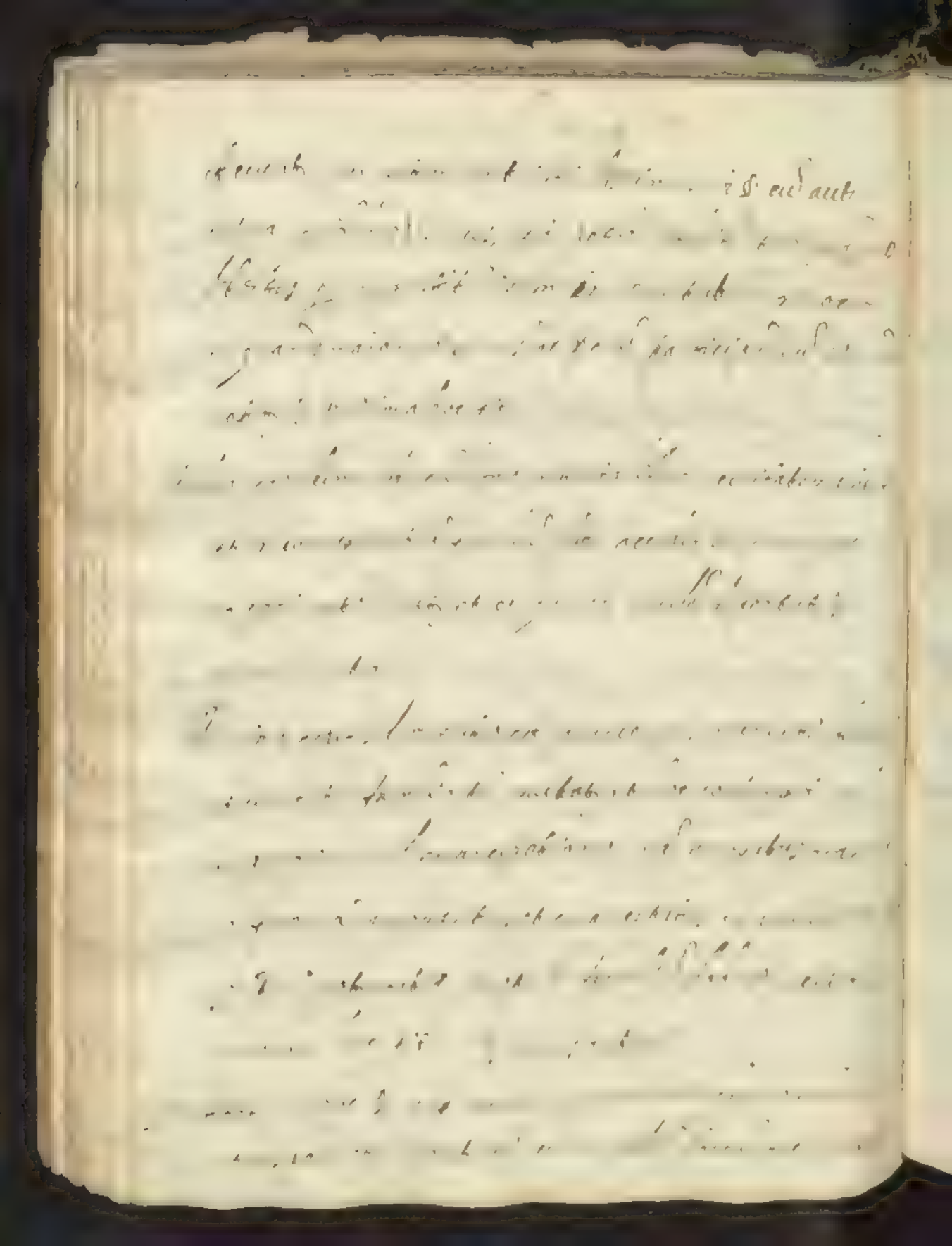

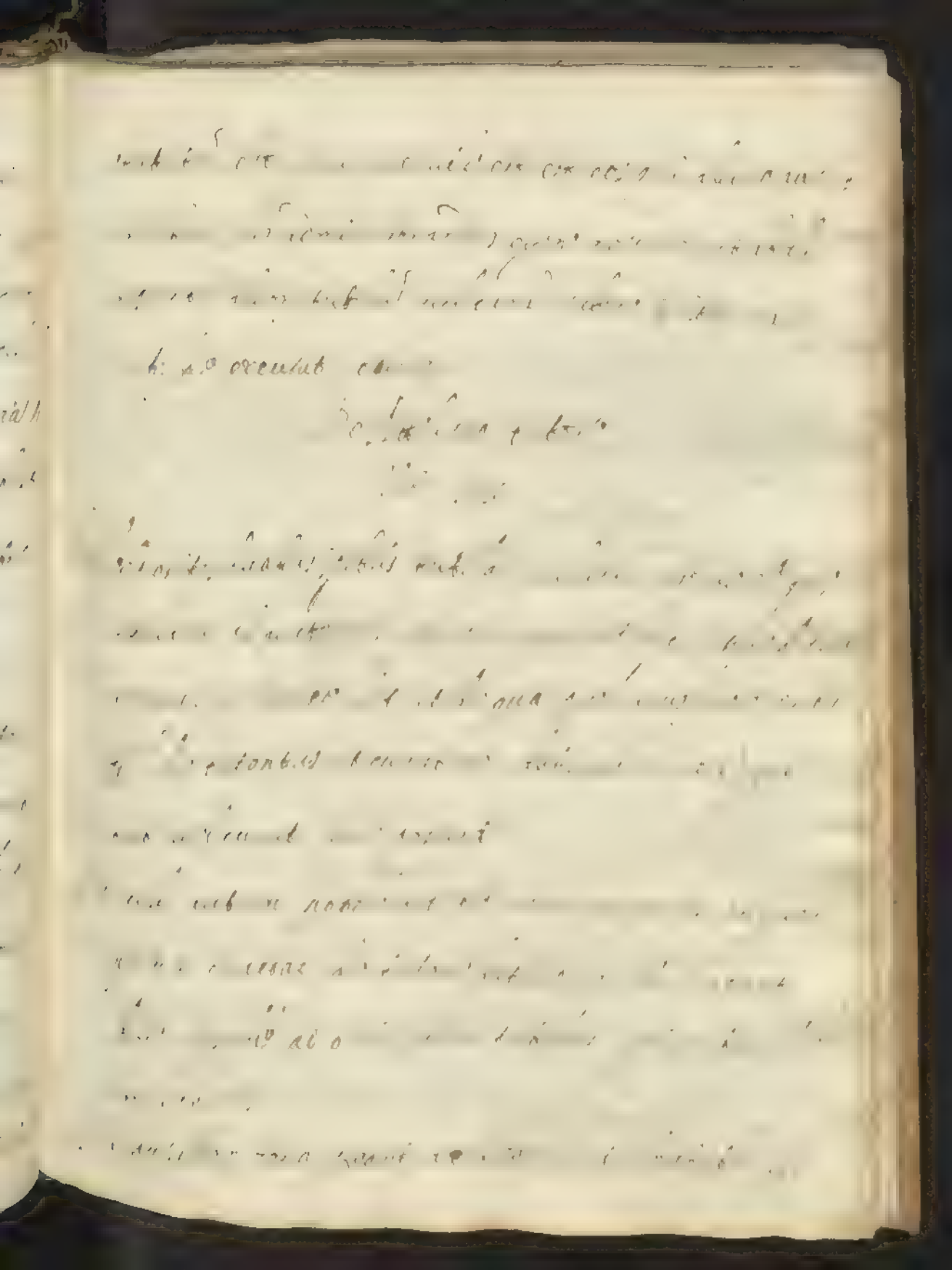

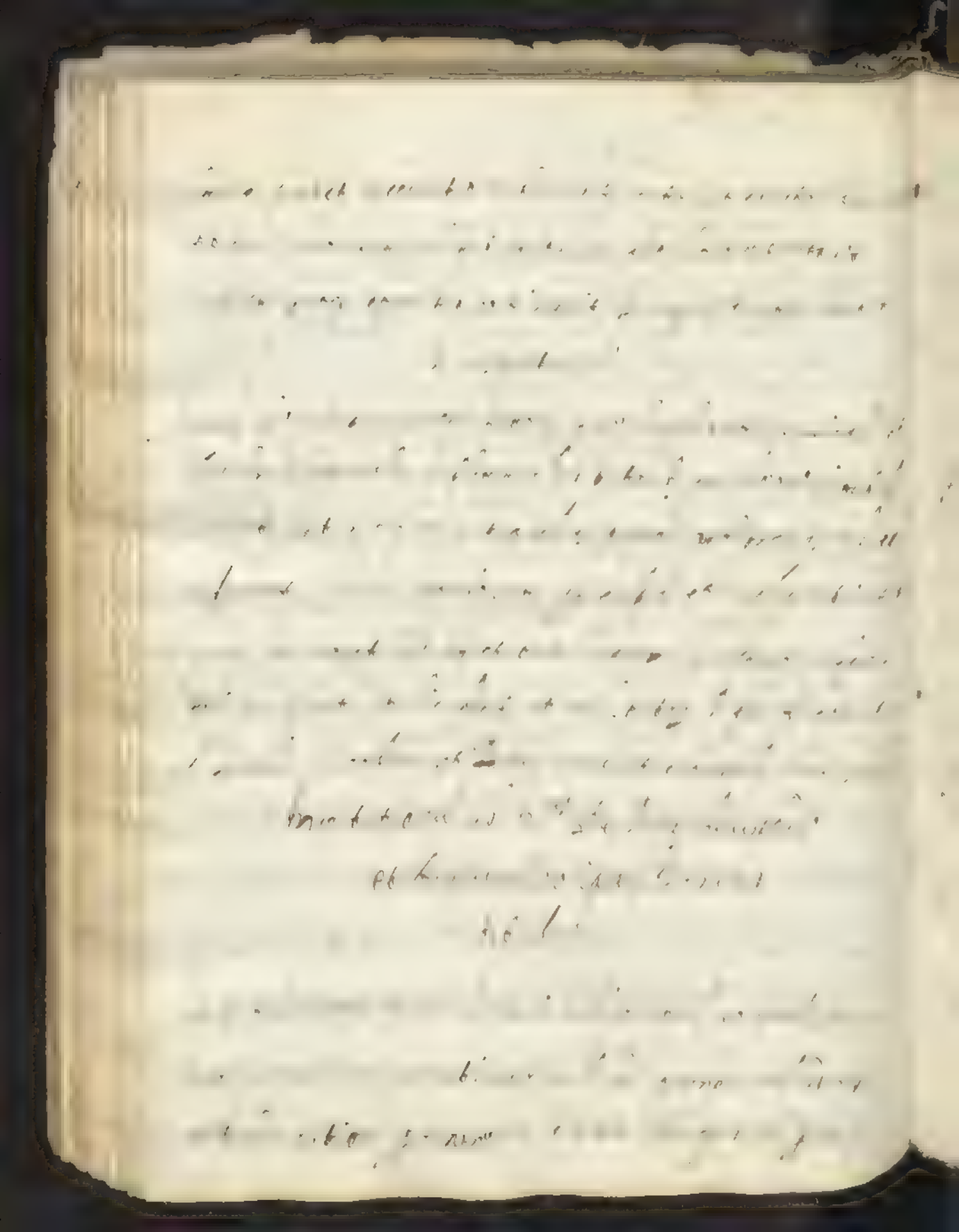

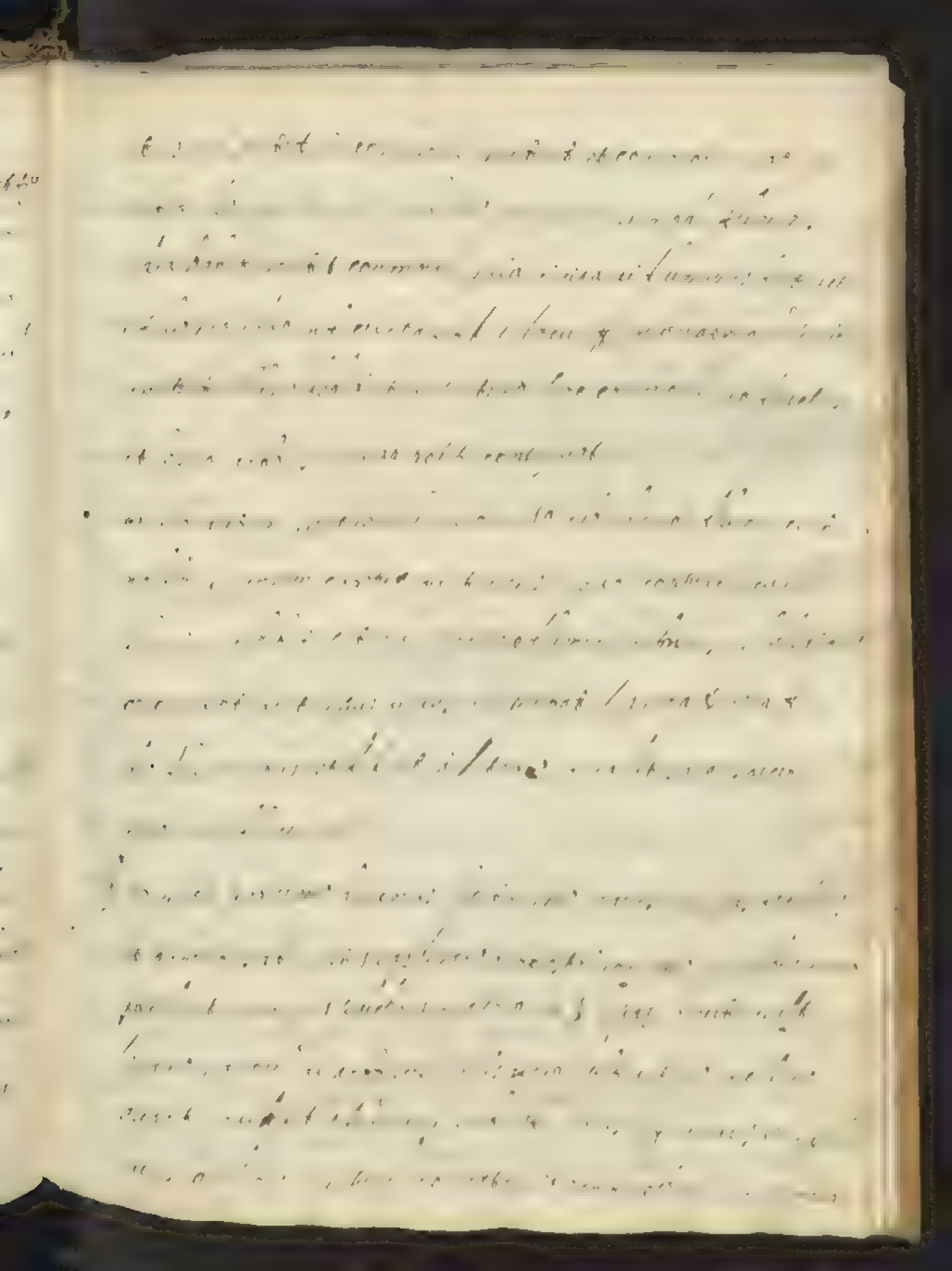

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prima ac [illegible]netione

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[illegible] ut universitati aut [illegible] aut [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Omnes autem [illegible] [illegible] dominium [illegible]

[illegible] sicut enim dominium est [illegible]

[illegible] corporum [illegible] [illegible]

est universi regnum [illegible]

et [illegible] mandat

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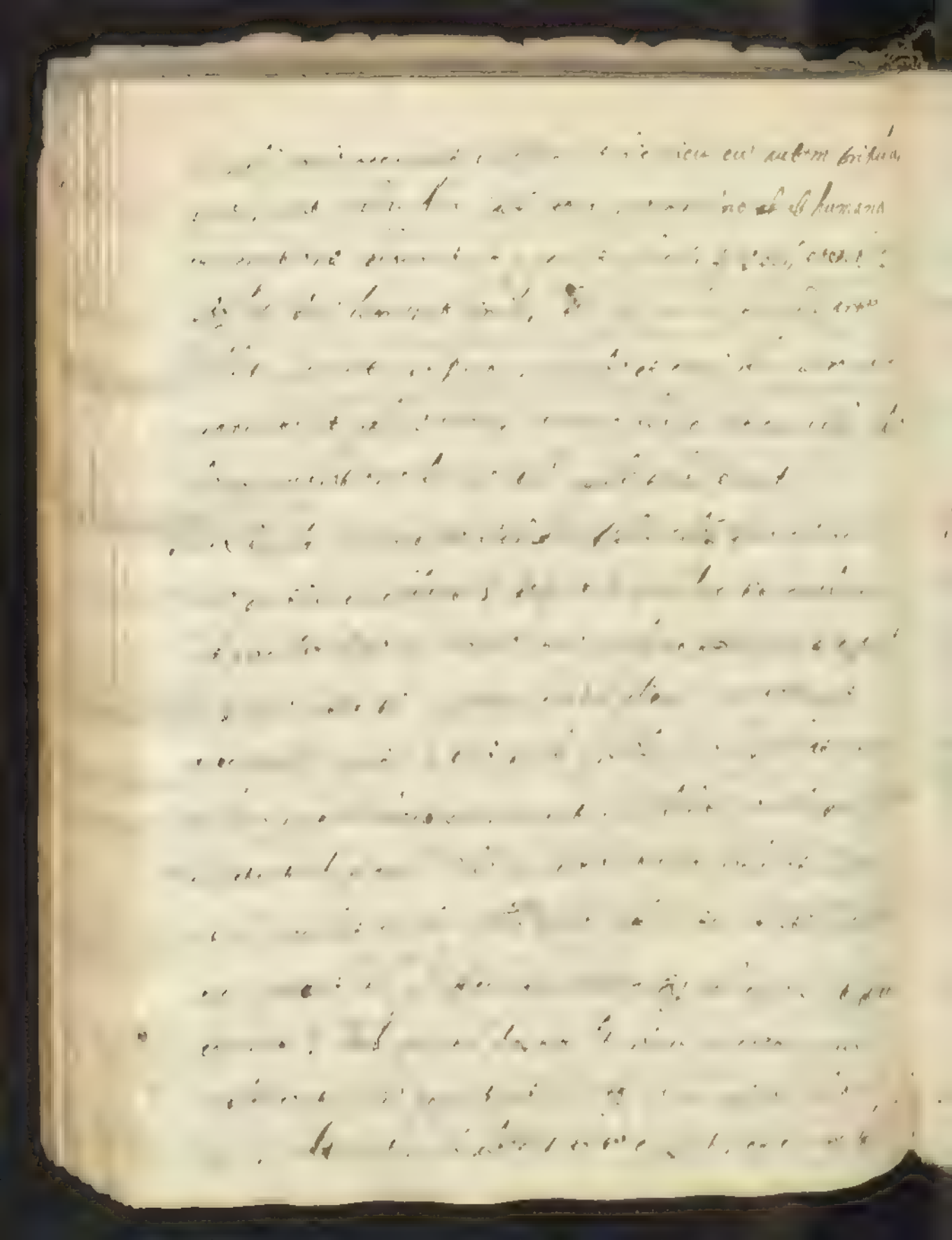

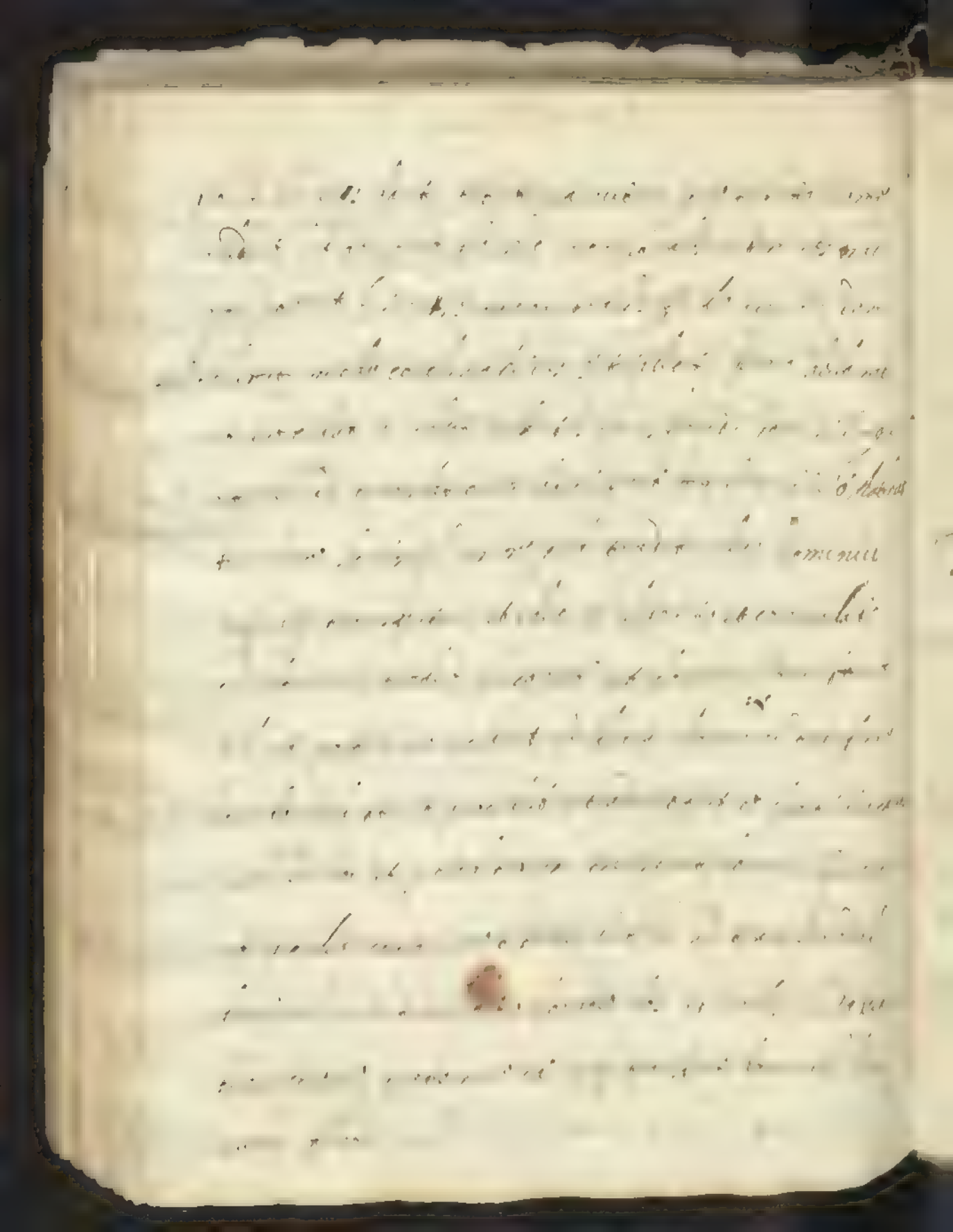

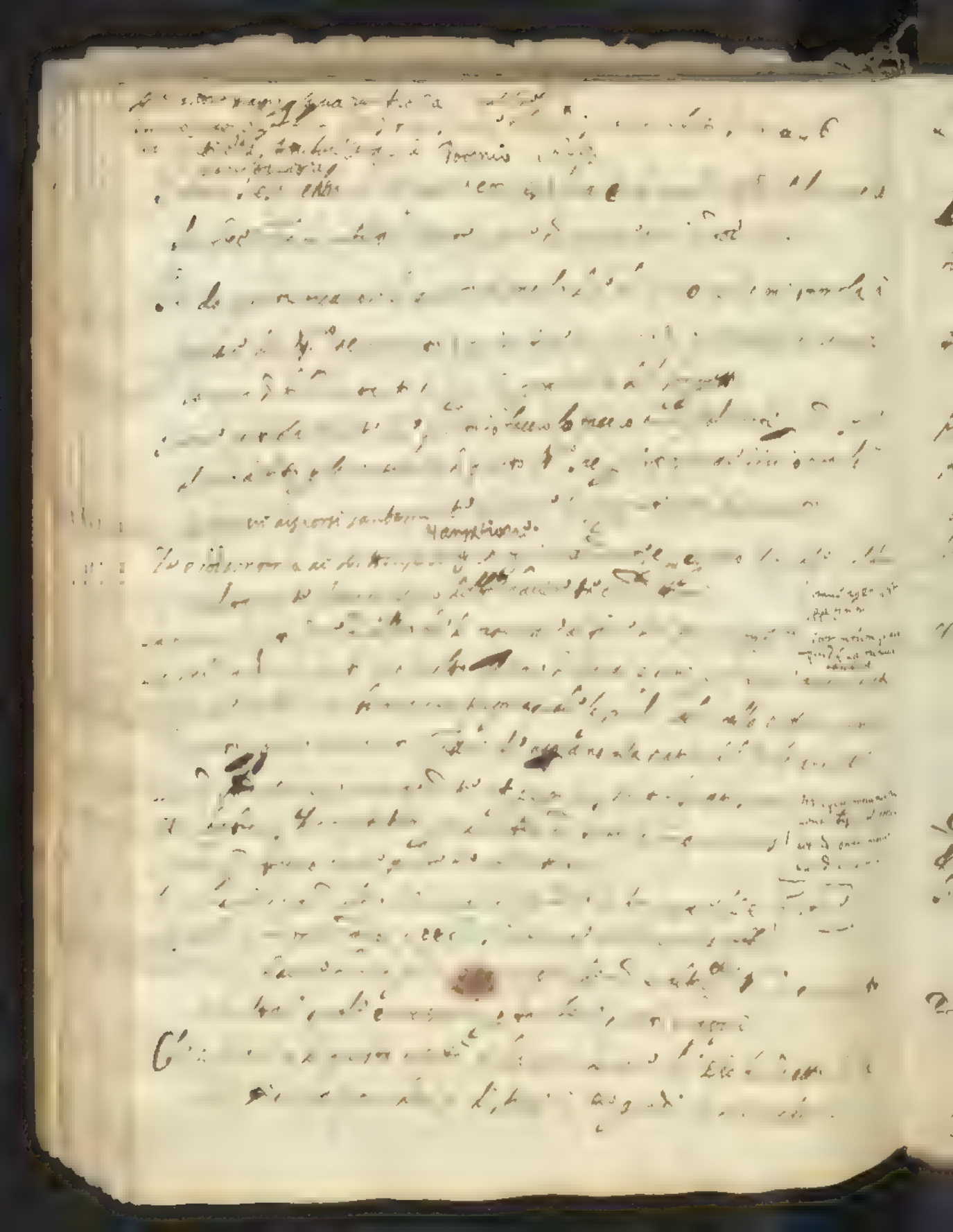

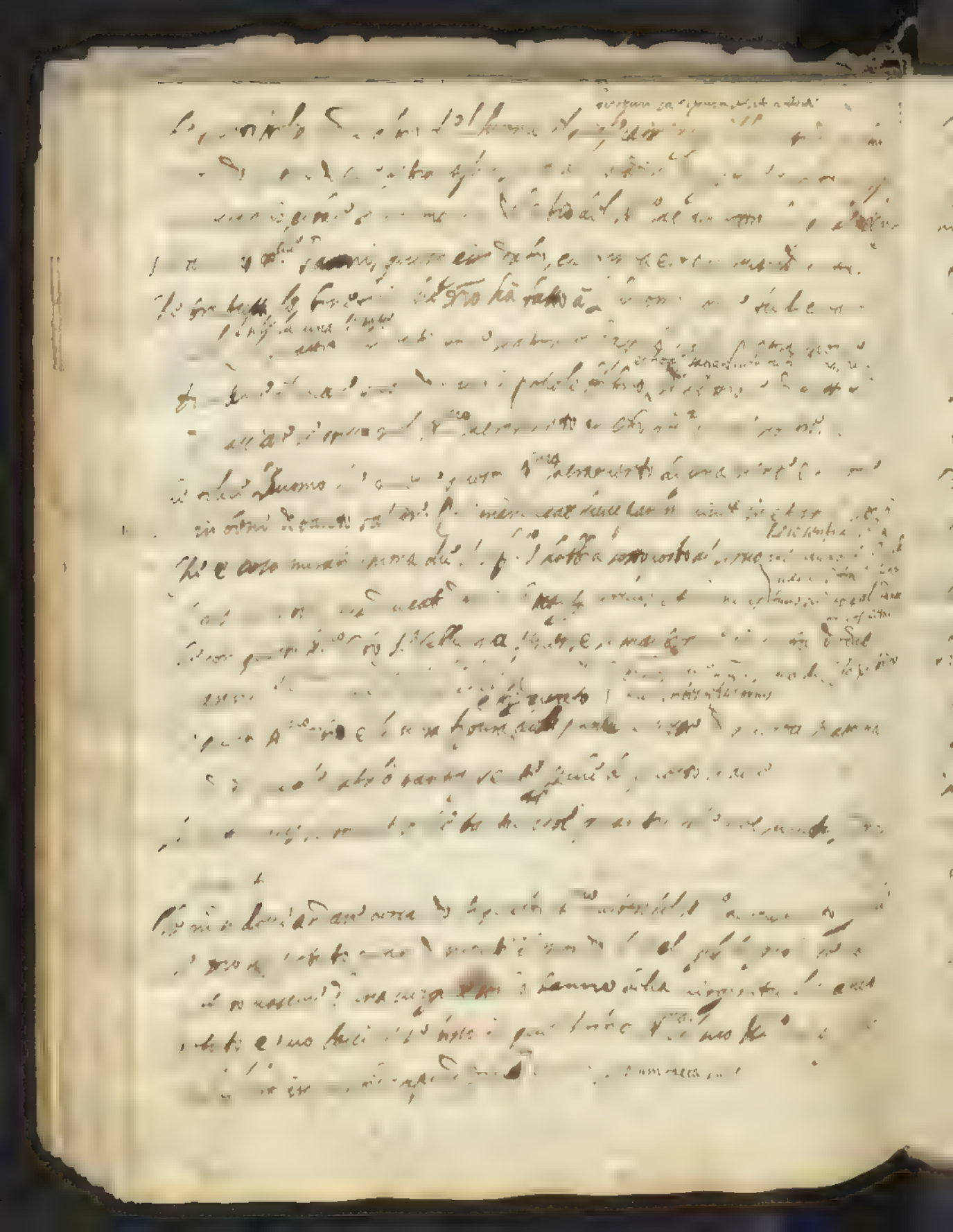

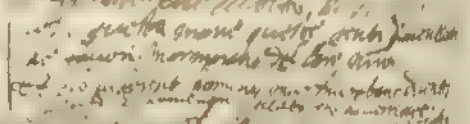

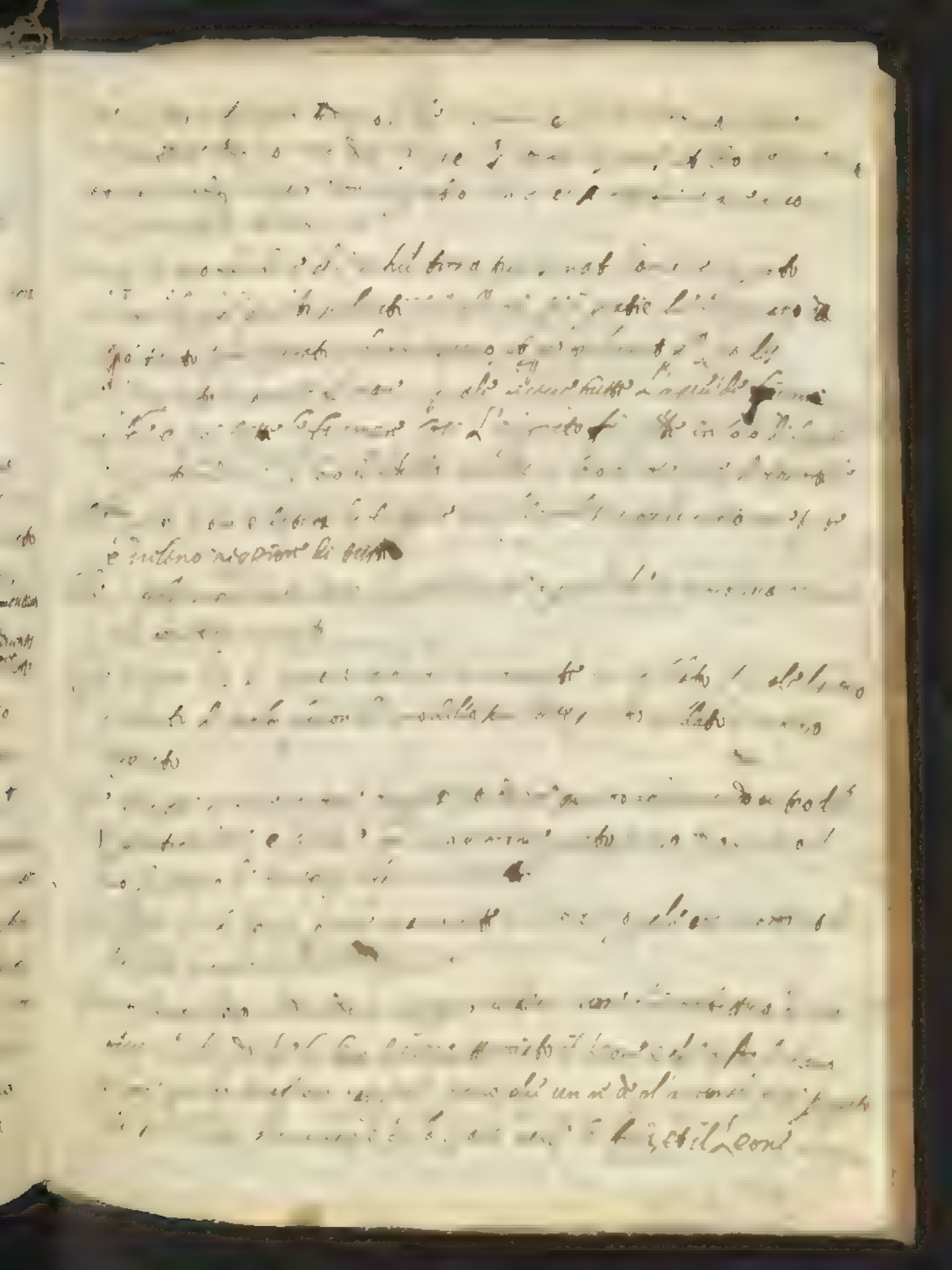

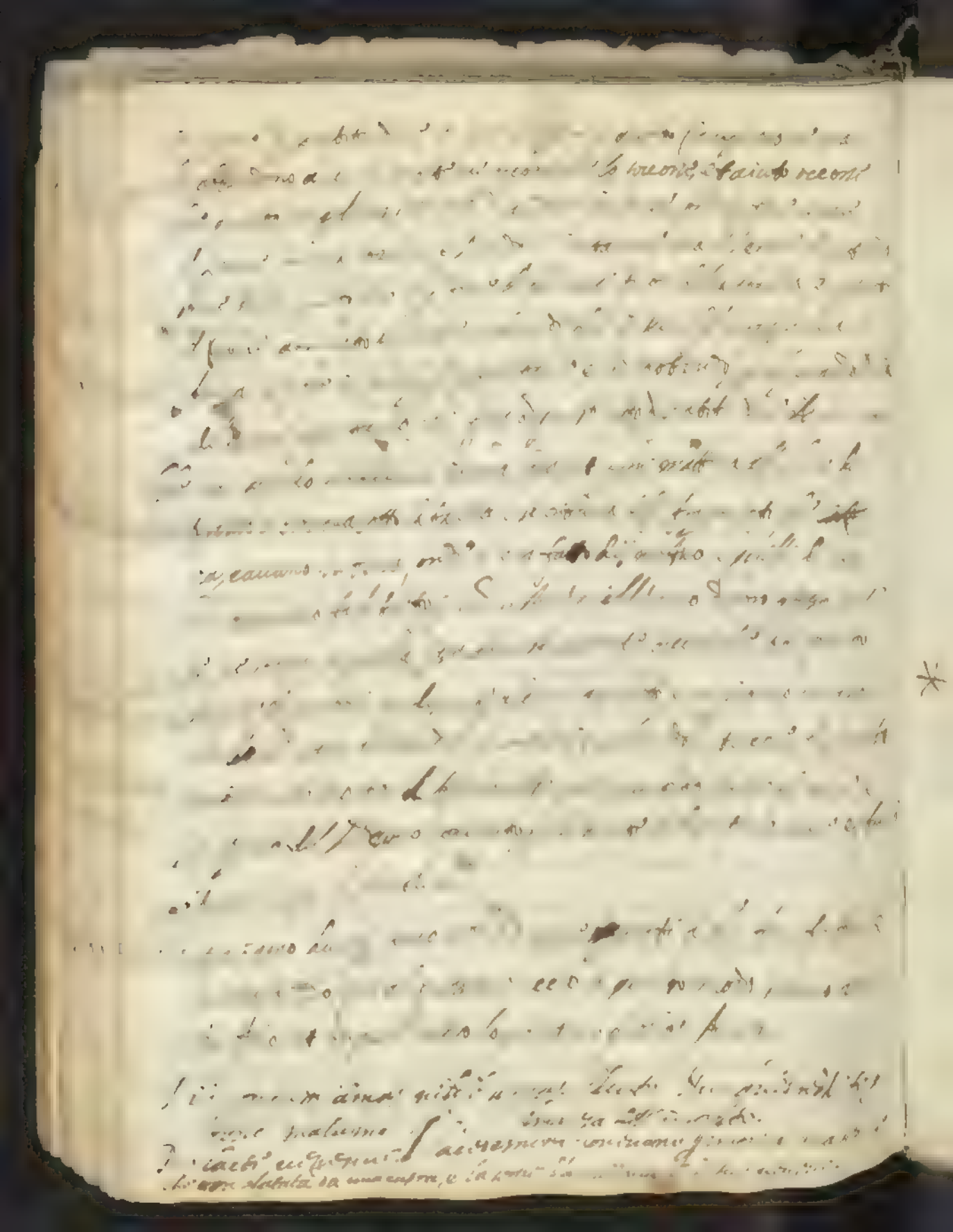

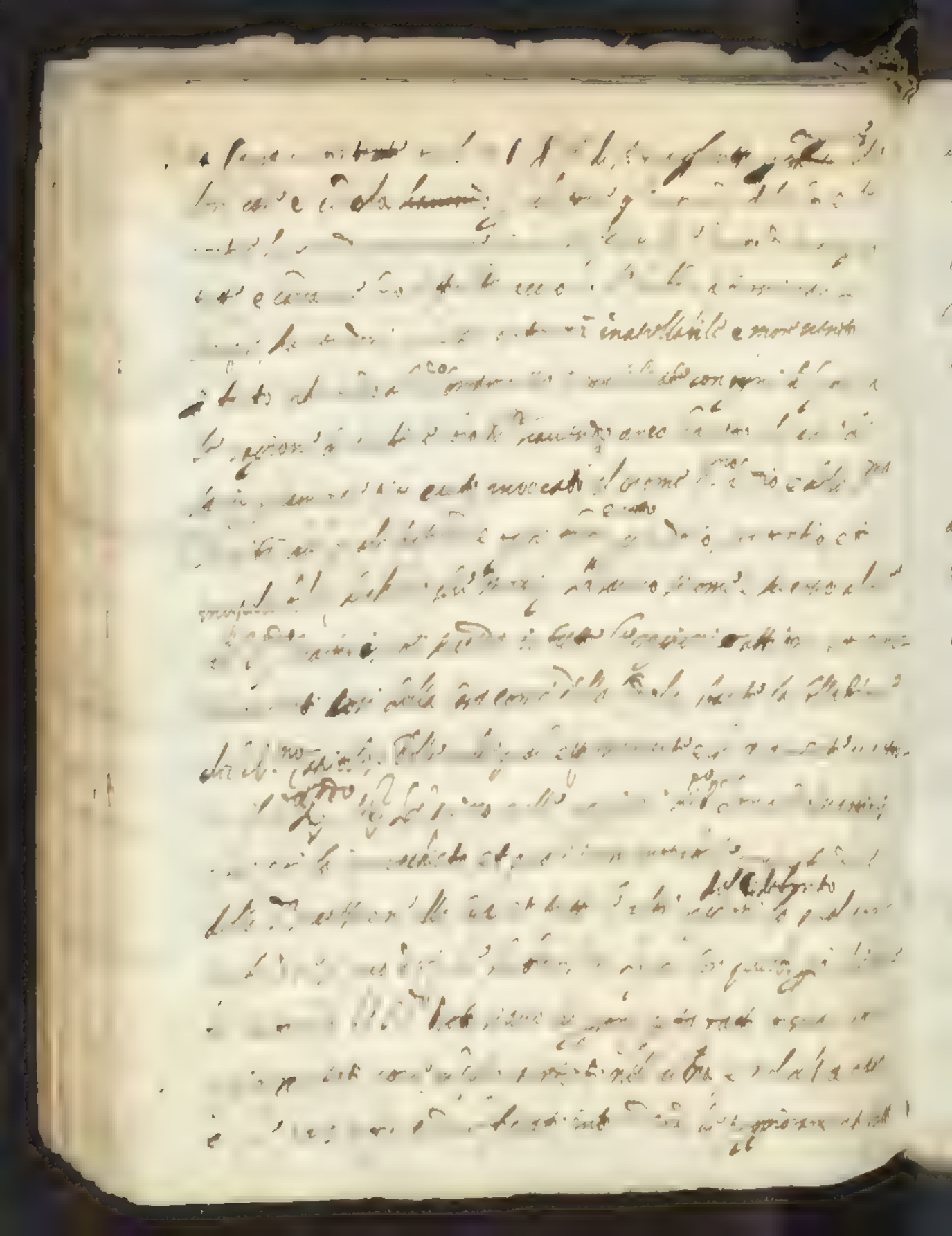

In Institutiones Iust. Imp.

Facilis Explicatio

I

VINCENTII DE TREIS NOB. VTIN.

Quoniam ubi Xpus non est fundamentum ibi nullum boni operis fieri potest aedificium cap. cum Paulus i.q. in ideo ipsius noie, ac numine invocato Inst. Iust. Imp. explicandas assumo, et ad moliendas difficultates ac ut Iuuenes ad ipsas planiori uia pducant. Quia quaedam monitu, ac munitu [illegible]. Videndum igitur est quid sint Inst. et unde dictae, quae sit ipsarum divisio, quae obiecta, et quis Auctor

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